Executive Summary

I. States with Anti-Detention Legislation: CA, WA, IL, NJ, MD, OR
(1) CALIFORNIA
(2) WASHINGTON
(3) ILLINOIS
(4) NEW JERSEY
(5) MARYLAND
(6) OREGON

II. States with Introduced Anti-Detention Bills: NY
(7) NEW YORK

III. States without Introduced Bills—But with Closures, Contract Cuts, or Other Wins: GA, MA, LA, AL, FL, NC
(8) GEORGIA
(9) MASSACHUSETTS
(10) LOUISIANA
(11) ALABAMA
(12) FLORIDA
(13) NORTH CAROLINA

IV. Conclusion: Building Momentum, Ongoing Challenges

---

© J.D. ‘22, N.Y.U. School of Law. This report grew out of my work as a research assistant for Jessica Rofé, Toni Rembe and Arthur Rock Immigrant Defense Fellow and Supervising Attorney, N.Y.U. Law Immigrant Rights Clinic. Thanks to Rita Rodriguez (Adelante Alabama Workers Center), Jeremy Jong (Al Otro Lado), Dr. Felicia Arriaga (Appalachian State University), Cathryn Paul (CASA), Stacy Suh (Detention Watch Network), Amilcar Valencia (El Refugio), Tania Mattos (Envision Freedom Fund), FANG Collective, Rebecca Merton (Freedom for Immigrants), Elizabeth Zambrano (Georgia Latino Alliance for Human Rights), Fred Tsao (Illinois Coalition for Immigrant and Refugee Rights), Wendy King (Immigrant Action Alliance), La Resistencia, Leland Baxter-Neal (Latin Network), Matt Vogel and Joseph Meyers (National Immigration Project of the National Lawyers Guild), Alina Das (N.Y.U. Law Immigrant Rights Clinic), Antonio Gutierrez (Organized Communities Against Deportation), Kelly Morales (Siembra NC), and Martha Alguera (Voces Unidas) for speaking with me and/or reviewing earlier sections of this report. Most of all, gratitude to the directly impacted communities organizing nationwide to abolish immigration detention and create freedom and safety for all people.
Action at NWDC. Signs read: “Free Them All”; “NO MORE DETENTION, NO MORE DEPORTATION, ABOLISH ICE” | Photo credit: La Resistencia
July 2021 action in New York City. Banner reads: “FREE THEM ALL” | Photo credit: QDEP
Executive Summary

The movement to abolish immigration detention in the United States has secured immense victories in recent years. Directly impacted communities around the country are demanding an end to the inhumane and violent practice of immigration detention, and a recognition of the harm it causes to individuals, families, and entire communities. Detention does not keep us safe, and it is not necessary or inevitable. Indeed, immigration detention as we know it in the United States is a relatively new development.

In response to calls from people in detention and their loved ones, six states—California, Washington, Illinois, New Jersey, Maryland, and Oregon—have enacted legislation prohibiting public and/or private contracts with ICE to detain immigrants. New York introduced legislation that would go even further to limit immigration detention; New Mexico and Wisconsin have also introduced similar legislation. In other parts of the country where state-level legislation is less politically feasible, movement coalitions have nonetheless built enormous grassroots power. People in detention and organizers have successfully pressured federal actors to cut numerous ICE contracts, including in Alabama, California, Georgia, Maryland, Massachusetts, Oregon, and New Jersey, and have reduced detention capacity at jails in Florida, Louisiana, and North Carolina.

While these victories are products of different organizing histories and political contexts, they all reflect years of courageous direct action, particularly by people in detention, who have gone on hunger strike and spoken publicly about the abuses they have endured while detained despite facing pervasive retaliation by ICE and jail officials. They also demonstrate the value of expansive and uncompromising organizing, from legislative advocacy, media work, and civil rights suits, to bold actions to block immigration jail entrances and ground deportation flights.

In the wake of these wins, movements are facing backlash from ICE and private prison corporations. This backlash includes recent legal efforts to overturn anti-detention legislation as well as mass ICE transfers of people in detention to areas of the country, primarily in the U.S. South, that have limited access to legal representation, a concentration of anti-immigrant immigration judges, case law that is hostile to immigrants, and a lower cost of detention for ICE. Resisting ICE’s narratives, including that transfers (as opposed to releases) of people in detention are inevitable following jail closures, and that only some immigrants—particularly those without any criminal convictions—can or should be released, presents another obstacle. ICE’s ongoing withholding of key information about releases and transfers contributes to this challenge. Finally, movements must contend with efforts to expand electronic monitoring programs that purport to be “Alternatives to Detention,” while in reality serving to further criminalize and surveil immigrant communities.

Despite these obstacles, the movement to abolish immigration detention is gaining unprecedented momentum. State-level shutdown fights are a strategic choice: this organizing creates the political conditions for later federal anti-detention legislation. People in detention and organizers are also targeting immigration jails as a way to disrupt the role that detention plays in facilitating deportations. While detention functions to cut people off from their communities, directly impacted people and immigrants’ rights movements are building solidarity. Supporting the material needs of people both while they are in detention and after they are released, including by raising funds to support commissary, bond, and transport for loved ones, and connection with
services, forms a key part of this solidarity. Through this organizing, movements across the country are showing that freedom from immigration detention is possible. Indeed, they are helping bring it into being with every person released and every ICE contract cut.

This report provides 13 case studies of U.S. states where abolitionist immigrants’ rights movements have secured major victories at the state and/or local level. The chart and map below are meant to be illustrative and not exhaustive. The report does not attempt to provide a comprehensive accounting of the movements in any of these states, and it leaves out many other states that have their own robust movements for abolishing immigration detention. Section I covers the five states that have passed anti-legislation limiting immigration detention. Section II covers New York, as a state that has introduced but not yet passed anti-detention legislation. (Note that New Mexico and Wisconsin, which also introduced but failed to pass similar bills, are not covered in this report.) Section III covers six states without state-level anti-detention bills that have successfully pushed for ICE contract cuts and/or reductions in detention capacity. Section IV concludes with reflections on the movement’s successes and ongoing challenges.

**Recent Movement Victories**

<table>
<thead>
<tr>
<th>Passed Legislation</th>
<th>Introduced Legislation</th>
<th>Cut ICE Contract (partial list of contracts terminated due to community organizing and/or local budget shortfalls; does not include contracts terminated due to state legislation)</th>
<th>Reduced Detention Capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>New York (2021)</td>
<td>Alabama (Etowah), California (James A. Musick, Sacramento, Santa Ana, West County), Georgia (ACDC, Irwin), Maryland (Howard), Massachusetts (Bristol, Franklin, Suffolk), New Jersey (Bergen, Essex, Hudson), Oregon (Josephine, NORCOR, Springfield)</td>
<td>Florida (Glades), Louisiana (Winn), North Carolina (Alamance)</td>
</tr>
<tr>
<td>Illinois</td>
<td>New Mexico (2021)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Washington</td>
<td>Wisconsin (2020)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>New Jersey</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maryland</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oregon</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
I. States with Anti-Detention Legislation: CA, WA, IL, NJ, MD, OR

As of June 2022, six U.S. states have passed legislation to limit ICE detention, including by banning private immigration detention and/or prohibiting state and local entities from signing contracts with ICE. These legislative wins are thanks to years of dedicated and expansive organizing by immigrants in detention and impacted communities. California was the first state to pass Dignity Not Detention legislation (in 2017 and 2019), followed by Illinois (in 2019 and 2021), Washington (in 2019 and 2021), New Jersey (in 2021), Maryland (in 2021), and Oregon (in 2021). In response to these monumental legislative victories, the movement is experiencing predictable backlash by ICE and private prison corporations including GEO Group. These actors are attempting to overturn or exploit loopholes in the laws themselves, as well as to expand detention in states that have not anti-detention legislation. Communities are continuing to organize in solidarity with detained people, demanding releases—not transfers to other states—and the abolition of immigration detention across the country.

(1) CALIFORNIA

ICE operates eight immigration jails in California: Adelanto ICE Processing Center (Adelanto), Central Valley Annex (Central Valley), Desert View Annex (Desert View), Golden State Annex (Golden State), Imperial Regional Detention Facility (Imperial), Mesa Verde ICE Processing Facility (Mesa Verde), Otay Mesa Detention Center (Otay Mesa), and Yuba County Jail (Yuba).1 The first seven of these—Adelanto, Central Valley, Desert View, Golden State, Imperial, Mesa Verde, and Otay Mesa—are operated by for-profit private corporations.2 In 2017, California became the first state in the country to pass Dignity Not Detention legislation through two bills: SB 29 (focused on private immigration detention) and an amendment to the state budget bill, AB 213 (focused on public immigration detention).3 At the time, California housed one

---


2 California Detention Conditions Policy Brief, supra note 1 at 4.

quarter of all people in immigration detention in the United States. This enormous shift came after extensive organizing at the local and state level.

2020 action at Gov. Newsom’s Sacramento mansion, calling for the release of all people in California state prisons and immigration jails. Banner reads: “YOUR ACTIONS SAVE LIVES, FREE THEM ALL” | Photo credit: SV


Organizing & Passage of Anti-Detention Legislation: SB 29, AB 213, AB 32

Communities and advocates built power for years in order to pass Dignity Not Detention legislation in California. SB 29 banned the expansion of private, for-profit immigration detention facilities in the state; prohibited cities or counties from entering into new contracts or renewing or modifying existing contracts with private prison companies for the purposes of expanding immigration detention; and required community input on the construction of any new facilities in their neighborhoods.6 SB 29 was introduced on December 6, 2016. 7 It passed the California Assembly on September 13, 2017; Governor Jerry Brown signed it on October 10, 2017.8

Rally with labor and faith leaders in support of SB 1289, a precursor to SB 29 and AB 213, September 2016. Signs include: “DIGNITY NOT DETENTION”; “Jerry Brown, Sign: SB 1289, Private Prison Companies [crossed out in red] should not profit from immigrant suffering” | Photo credit: Freedom for Immigrants


8 Id.
AB 213 (through a specific amendment) prohibited local government entities from entering into new immigration jail contracts and prohibited expansion of contract beds where local government entities have existing public contracts. It also established the first state-funded mandate to review conditions at all immigration jails (public and private; adult and juvenile) across California, allocating $1 million per year for ten years and requiring that the reports be made public. AB 213, the state budget bill, was introduced on January 1, 2017. It passed the California Assembly on June 15, 2017; Governor Jerry Brown signed it on June 27, 2017.

In 2019, California passed AB 32, a bill to ban private prison contracts with the state. The bill was introduced on December 13, 2018; passed on September 11, 2019; and signed by Governor Gavin Newsom on October 11, 2019. Finally, AB 3228, passed on August 26, 2020 and signed by the governor on September 27, 2020, allows detained and formerly detained people to file damages lawsuits against for profit ICE detention centers for tortious failure to comply with standards of care in DHS’s Performance-Based National Detention Standards.

Reflections from Successful West County ICE Contract Termination Fight

Contra Costa County ended its ICE contract in July 2018 for West County Detention Facility (West County) in Richmond, California. In December 2019, the Interfaith Movement for Human Integrity released a report reflecting on the ICE contract termination at West County. The report provides a rare, aggregate picture of what happened to people post-closure, confirming that about two-thirds of people were released. It also outlines recommendations for movements pushing for closures and releases. First, the report urges movements to leverage the opportunity for release that contract termination creates, and to reject framing around the supposed imminence and inevitability of post-closure transfers, and instead center the goal of freedom and release for


10 Id.


12 Id.


14 Id.


17 Id.

18 Note that a full third of people who had been detained at West County are not represented in these statistics, and that even for those who communities and lawyers had information on, the statistics do not add up to 100 (20 percent released; 58 percent transferred). The report does not indicate what happened to the remaining individuals. Id. at 4.
everyone detained.  Second, the report recommends focusing on preventing out-of-state transfers, which ICE uses “as a weapon against detained immigrants” to remove them from their communities, families, support networks, and lawyers. Groups involved in the contract fight affirmed the power of this organizing, both materially and narratively: “In retrospect, it is clear that reducing detention space was a victory. It contributed to the idea that detaining immigrants is immoral and unnecessary, strengthened the movement to end immigration detention, and seems to have led to a reduction in local immigration enforcement activity.”

**Ongoing Organizing and Demands to Free Them All**

As a result of local organizing, ICE no longer contracts with two jails, Santa Ana Jail and James A. Musick Jail Facility, as of 2017 and 2019, respectively. Despite setbacks and manipulations of loopholes in California’s anti-detention laws (described below), impacted communities are continuing to organize and push for the release for everyone remaining in detention in the state. People in immigration detention have organized hunger strikes across California, with particularly prominent hunger strikes at Mesa Verde, Otay Mesa, and Yuba.

Supporters have staged protests and rallies in solidarity and to push for releases and detention

---

19 Id. at 2.
20 Id. at 12.
21 Id. at 2.
center closures, from Yuba to Otay Mesa to Adelanto to Mesa Verde. In July 2020, in a powerful expression of solidarity between movements for immigrants’ rights and criminal legal system abolition, community members chained themselves to Governor Gavin Newsom’s mansion. They called on Governor Newsom to “use his power, including mass clemency and emergency release, to free people in state prisons; and stop transfers from state and local custody to ICE and between California prisons; and stop the expansion of immigration detention in California.” In August 2020, the Free Them All coalition in San Diego held a March to Free Them All, with speakers urging for the abolition of immigration detention and prisons: “We’re out here saying that Otay Detention Center should be closed. All detention centers should be closed. All prisons should be closed . . . .”

An October 2020 protest led by Pueblo Sin Fronteras and Borderlands for Equity spoke out against ICE transfers: “We are calling on Gavin Newsom to stop ICE transfers and to stop all transfers between California prisons and jails and all transfers from people outside from prison to ICE facilities.” Organizers coordinated banner drops in over thirty places across California that same day as a statewide call-to-action for Governor Newsom. In November 2020, community members in the city of McFarland vowed to continue organizing after the Ninth Circuit allowed GEO Group to move forward with converting two facilities to serve as annexes for Mesa Verde, despite its failure to obtain the community input mandated by SB 29.

29 Id.
32 Id.
33 McFarland residents vow to keep organizing after court lets GEO expand immigration detention, IMMIGRANT LEGAL RESOURCE CENTER (Nov. 11, 2020), https://www.ilrc.org/mcfarland-residents-vow-keep-organizing-after-court-lets-geo-expand-immigration-detention; see also Miriam Jordan, An ICE Detention Center? You Picked the
May 2020 car rally outside Adelanto to support hunger strikers. Signs include: “FREE THEM ALL”; “CAGES DON’T KEEP US SAFE”; “close close close ADELANTO, NO MORE!” | Photo credit: Freedom for Immigrants

In March 2021, the Shutdown Adelanto Coalition escalated their calls for GEO Group and ICE to release everyone at Adelanto, in response to three overlapping crises: the death from COVID-19 of Martin Vargas-Arellano, an immigrant from Mexico who had been detained at Adelanto for about two years; an outbreak of H. pylori that advocates tied to unsafe water; and a recent EPA report confirming that GEO Group had been endangering people through multiple daily applications of a chemical disinfectant without proper ventilation.34 In September 2021, immigrant rights activists shut down the Golden Gate Bridge in San Francisco, CA.35

---


Attempts to Undermine California Anti-Detention Legislation

Private prison operators and ICE have employed a wide variety of tactics—from filing lawsuits to exploiting legislative and contract loopholes—to try to undermine California’s anti-detention legislation. Along the way, they have continually used the specter of inter-state transfers as a reason to keep immigration jails open.36

Otay Mesa, operated by CoreCivic, illustrates the limitations of legislation banning state and local ICE contracts where private entities, as opposed to states or counties, are the landowners. CoreCivic bought a nearly forty-acre property near San Diego in 2010 and constructed Otay Mesa entirely on this land.37 Because CoreCivic owns the land Otay Mesa sits on, it is able to contract directly with ICE; this arrangement allows the facility to continue expanding at will, subject only to public hearing requirements.38 Otay Mesa remains open today, despite repeated reports of abuse and inhumane conditions, and despite being the site of one of the earliest and most severe COVID-19 outbreaks of any immigration jail in the country.39

Separately, private prison corporations and ICE worked together to slam through a number of contract renewals shortly before AB 32’s prohibitions on state contracts for private immigration detention took effect. AB 32 passed in October 2019 and took effect January 1, 2020. Four privately operated immigration jails were slated to close once AB 32 came into effect. Instead, ICE issued a series of new solicitations for these facilities (for a total capacity of 6,750 beds). The agency abandoned the standard (and slower) federal procurement process, awarding single-source contracts to GEO Group that began on December 20, 2019, days before AB 32 was to take effect.40 Along with the contracts’ initial five-year term lease, ICE also built in two additional five-year extension options, effectively making the contract term fifteen years; such extensions are explicitly prohibited by AB 32.41

A number of members of Congress, including Representative Zoe Lofgren (D-CA), Representative Jerrold Nadler (D-NY), and then-Senator Kamala Harris (D-CA), released a Congressional letter in response, challenging the contracts and procurement process for the four

---

38 Id.
ICE contracts. This is not the only example of ICE illegally manipulating contract procurement and renewals: in December 2019, ICE bypassed the federal procurement process and defied its own budget authorization restrictions in order to award GEO Group new 15-year single-source contracts, worth nearly $4 billion. These contracts were for the continued operation of Adelanto and Mesa Verde as well as for the incorporation of three nearby GEO Group-owned prisons never before used for immigration detention, Central Valley, Golden State, and Desert View, boosting ICE’s detention capacity in California by 2,150 beds. Desert View, which is next door to Adelanto, is now caging many more people than Adelanto, due to litigation which applies only to Adelanto.5

ICE and GEO Group have also turned to the courts to try to strike down California’s Dignity Not Detention legislation. GEO Group sued the state of California just days before AB 32 was set to take effect on January 1, 2020. The Trump administration filed a similar lawsuit a few weeks later. In March 2020, GEO Group filed another lawsuit against the state of California in an attempt to invalidate SB 29, claiming that it unfairly targeted the federal government for “disfavored treatment” by limiting federal immigration detention and enforcement. A federal judge for the Southern District of California, Janis Sammartino, largely upheld the ban in a tentative ruling in July 2020. In October 2020, Judge Sammartino ruled that AB 32 was constitutional (with the exception of facilities operated by the U.S. Marshals Service), affirming

---

43 “In March 2019, ICE bypassed the competitive bid process and awarded the Geo Group a sole-source, one-year contract to continue operating the Adelanto facility. ICE’s decision to award this contract followed direct pressure from GEO Group CEO George Zoley to the Adelanto city council . . . California lawmakers question whether ICE has the legal authority to enter into multi-year contracts, as the agency’s FY 2020 budget has not been negotiated . . . By law, the agency should be operating under funding levels authorized for FY 2019 - and corresponding levels of detention - not expanding its detention apparatus.” Id.
45 Roman v. Wolf, Compl. No. 5:20-cv-00768 (C.D. Cal. Apr. 14, 2020); ECF-914 (C.D. Cal. Jan. 11, 2021) (barring Adelanto from receiving any new detainees, setting a maximum capacity target of 475 people in detention, and providing guidelines for release from detention based on factors including: Fraihat class membership, age, pre-existing conditions, and criminal legal system contacts).
May 2020 car rally outside Adelanto to support hunger strikers. Signs read: “Let Equality Bloom”; “The only ICE I like is in my Coffee”; “The federal judge ordered you to let us go! We don’t want to catch COVID-19. #LetThemGo! #StopICE! #HumanityFirst!” | Photo credit: Freedom for Immigrants

that it only regulates private prison operators, not the operations of the federal government. The decision also condemned ICE’s built-in renewal options for the contracts: “It appears unlikely that GEO will succeed in arguing that the options are not [ ] extensions” as prohibited by AB 32.

Advocates initially lauded this decision as a major victory for the movement, but in October 2021, a 9th Circuit three-judge panel (with two Trump appointees) overturned the trial court’s decision, siding with GEO Group and blocking AB 32. The dissenting judge on the panel, Judge Murguia, noted that it is well within the state’s powers to safeguard the health and safety of

50 “Sammartino pointed to explicit statutory language authorizing the U.S. Marshals to pursue such contracts as a basis for her ruling, while noting that no equivalent Congressional authority exists with respect to ICE’s power to detain individuals in civil immigration detention.” Immigrant Defense Project, AB 32 and the Future of Immigration Detention in California (Oct. 31, 2020), https://ild.org/ab-32-and-the-future-of-immigration-detention-in-california/.  
Californians, including people in detention. California’s Dignity Not Detention Coalition released a press release in response, explaining:

Today’s ruling is a stark lesson about the threat unchecked corporate power poses to the democratic process. Yet AB 32 is one tactic in a larger quest for justice. People who are currently in detention and their loved ones continue to organize for freedom and dignity every day. We must answer the call of solidarity and redouble our efforts to end all detention, whether run by a corporation or the government.

In November 2021, the state of California filed a petition for rehearing en banc. In an important reversal, the Ninth Circuit granted the petition in April 2022, vacating the three-judge panel opinion and ordering that the case be reheard by a full eleven-judge panel. Oral argument before the full panel is scheduled for late June 2022.

---

52 Id. at 944 (Murguia, J., dissenting).
54 GEO Group, Inc. v. Gavin Newsom, et al., No. 20-56172, ECF-80 (9th Cir. Nov. 17, 2021) (appellees’ petition for rehearing en banc).
55 Id. ECF-94 (9th Cir. Apr. 26, 2022) (granting petition for rehearing en banc).
56 Id. ECF-95 (9th Cir. Apr. 26, 2022) (ordering oral argument for the week of June 21, 2022).
ICE operates two immigration jails in Washington: Northwest ICE Processing Center (formerly Northwest Detention Center, still known primarily as “NWDC”) and Federal Detention Center “SEA TAC.”

Movement Organizing and Direct Action in Washington State

Communities in Washington state have been organizing intensively to close NWDC for nearly a decade. NWDC is the state’s only private immigration jail, operated by GEO Group. The facility has a 1,575-bed capacity, making it the largest immigration detention center on the West Coast and one of the largest in the country. La Resistencia (formerly known as NWDC Resistance) was founded in 2014, led by people with lived experiences in the immigration enforcement system. La Resistencia has been a central player in the struggle to close NWDC, including by launching the Shut Down NWDC coalition with over 200 organizations in October 2019.

Opposition to NWDC ignited in late February 2014, when a group of activists blocked the gates outside of the NWDC, interrupting the weekly deportation transport. Within ten days, in early March 2014, 1,200 immigrants detained at NWDC went on hunger strike. Paulino Ruiz, one of the hunger strikers at NWDC, told a reporter from TIME over a phone interview: “You can only get pushed so far. More people have been deported since [Obama has] been in office than anyone else in history.” Hunger strikers raised demands for expedited hearings and better conditions. They also called for ending the GEO Group contract for NWDC and an end to all

57 Detention Facilities, ICE, supra note 1.
58 Northwest Detention Center, NWDC IMMIGRANT RIGHTS PROJECT, https://www.nwirp.org/resources/nwdc/.
59 Id.
60 “La Resistencia members support and engage with people detained at [NWDC] who organize for their own survival and in protest against the detention and deportation regime. We are a multi-racial, multi-status, multi-gender group that organizes across the prison barrier. Our goal is to shut down the NWDC, and to end all detention and deportation in Washington State.” Who Are We?, LA RESISTENCIA, http://laresistencianw.org/.
63 Supporters of the hunger strikers confirmed that 1,200 people began the hunger strike. ICE officials claimed that the strike was limited to 750 people. Meredith Clark, Immigrants at ICE facility face retaliation during hunger strike, MSNBC (Mar. 11, 2014), https://www.msnbc.com/msnbc/immigrants-face-threats-during-hunger-strike-msna283901; Alex Altman, Prison Hunger Strike Puts Spotlight on Immigration Detention, TIME (Mar. 17, 2014), https://time.com/27663/prison-hunger-strike-spotlights-on-immigration-detention/.
64 Id.
65 Hunger strikers’ full demand list:
   ● Improved food, sufficient in both quantity and nutritional value, for detainees;
   ● Improved treatment by guards (detainees referenced a history of abusive treatment by guards towards non-English speaking detainees);
   ● Improved access to and quality of medical treatment in the Detention Center;
   ● Improved pay (currently set at $1/day) for the work carried out by detainees (who do the cooking, cleaning, and maintenance of the facility);
   ● Lower commissary prices (detainees depend on commissary items to supplement the subpar food provided by the facility);
deportations. Immigrants detained at Joe Corley Detention Center (also operated by GEO Group) in Conroe, Texas joined the hunger strike in solidarity. That strike ended after fifty-six days, when hunger strikers at NWDC released a statement as the “Collective of NWDC-T Detainees.” The statement detailed the retaliation they had experienced from GEO Group, and sent a powerful message of unity and defiance:

[W]e affirm that [GEO Group] did not succeed in containing and silencing the voice of those on the inside, the voice of the detained . . . . [T]he walls that attempted to contain our participation have cracked and with ever growing unity we will finish

- Improved telephone service (quality of calls is low, the cost is prohibitive, and detainees are not returned the money in their phone account upon leaving the facility);
- Affordable and consistent bond amounts for all detainees;
- More expedited processing of cases (currently only three judges are assigned to all detainees, resulting in months-long waits for court hearings);
- End the GEO Group contract for the NWDC; and
- An end to all deportations, especially for parents of children or spouses of US citizens.


66 Id.
knocking them down . . . With dignity, with self-respect, we are honored to signal that we are also present and that we add ourselves to the work yet to come until we succeed in NOT ONE MORE person added to the deportation statistics, and NOT ONE MORE FAMILY destroyed, and NOT ONE MORE IMMIGRANT with their American dream cut short and treated like a second class citizen . . . TO ALL OF YOU THANK YOU FOR NOT LEAVING US ALONE. We will not let you down . . . .

GEO Group and federal immigration officials repeatedly retaliated against hunger strikers by placing them in solitary confinement, threatening to force-feed them, and telling those seeking asylum that their cases would be denied. Immigrants’ rights groups also received reports of people being physically coerced to sign their own deportation papers. People detained at NWDC continued to use hunger strikes to maintain political pressure to address conditions, close NWDC, and abolish immigration detention in the state. To support hunger strikers and everyone detained at NWDC, community members have used a wide range of tactics: direct action.

69 Id.
71 Maru Mora Villalpando from Latino Advocacy, a group supporting the hunger strikers, shared that they had received reports that two detainees were physically compelled to sign their own deportation papers. Clark, supra note 63.
73 See description of direct action by community groups in solidarity with immigrants detained at NWDC, through the lens of environmental racism and white supremacy, in Megan Ybarra, Site Fight! Toward the Abolition of Immigrant Detention on Tacoma’s Tar Pits (and Everywhere Else), 53 ANTIPODE 36, 47 (2020), https://onlinelibrary.wiley.com/doi/epdf/10.1111/anti.12610; see also Riley Seawood and Alexa Villatoro, Over a Decade of Resistance to the Northwest Detention Center, PERILOUS CHRONICLE (June 2, 2021) https://perilouschronicle.com/2021/06/02/over-a-decade-of-resistance-to-the-northwest-detention-center.
Tribunals, advocacy campaigns, appeals to international human rights bodies, and investigative human rights reports.

2014 and 2015 La Resistencia actions at NWDC, WA. T-shirts read: “NOT 1+ DEPORTATION”; Lock boxes read: “END DETENTION” | Photo credit: La Resistencia

Passage of Legislation and Ongoing Organizing in Washington State

Immigrant communities in Washington continue to push for faster action to free everyone detained at NWDC. After seven years of pressure and organizing, in May 2019 Washington passed the Keep Washington Working Act. The legislation stopped ICE from collaborating with local enforcement agencies and most state agencies; it also ended the contracts ICE had with local county jails for bed space. Governor Inslee signed Keep Washington Working but exempted the Department of Corrections, allowing for continued federal detention and collaboration with ICE.

After sustained pressure from impacted communities and organizers, Washington state legislators introduced HB 1090 on January 5, 2021. HB 1090 passed on March 30, 2021. On May 8, 2021, car caravans from Oregon and Washington converged on NWDC demanding the release of immigrants for Mother’s Day. In addition to delivering hundreds of letters written by community members “expressing solidarity, love, and strength for detained mothers and caregivers,” the coalition also called on Oregon and Washington state legislators to halt ICE transfers to NWDC and to support efforts to shut it down before its contract is up in 2025.

HB 1090 bans private, for-profit prison companies from contracting with local, state, and federal agencies to operate in Washington and will require the closure of NWDC once its current contract expires in 2025. On April 14, 2021, Governor Jay Inslee signed HB 1090 into law. The Day 1 Alliance, a trade group representing GEO Group, immediately criticized the legislation.

---

83 Id.
85 Id.
claiming that immigrants detained at NWDC would be transferred out of state en masse. GEO Group promptly filed a lawsuit against Governor Inslee, the Washington Attorney General, and the Pierce County District Attorney, attempting to enjoin enforcement of HB 1090. The case has been stayed pending the Ninth Circuit’s decision in GEO Group’s case against the state of California, seeking invalidation of AB 32 (discussed above).

La Resistencia, Global Rights Advocacy, the University of Washington Center for Human Rights, and Yakima Immigrant Response Network have helped track arrivals at NWDC since the beginning of the COVID-19 pandemic. Transfers into NWDC have only increased following the passage of HB 1090, with immigrants’ rights groups documenting at least 510 transfers into NWDC in June 2021 alone. On June 16, 2021 the Liberation Not Deportation Coalition, composed of over sixty community organizations, sent Governor Inslee a demand letter and held a press conference calling for an end to Washington’s collaboration with ICE.

Resistance and organizing continues, with the significant support of the Shut Down NWDC coalition. The University of Washington School of Law Immigration Clinic, in partnership with La Resistencia and other community organizations, published a report in October 2021 detailing how the ongoing pandemic has impacted or exacerbated human rights conditions at NWDC. COVID-19 remains an urgent concern for people caged at NWDC, with outbreaks in June 2021

---


89 Facebook post, *LA RESISTENCIA* (June 26, 2021), https://www.facebook.com/LaResistenciaNW/

90 “We write this as organizations committed to ending the practice of caging immigrants, including the more than two hundred people who remain behind bars at the Northwest Detention Center . . . Inslee must immediately end Washington State’s Department of Corrections (DOC) collaboration with ICE . . . The DOC-ICE collaboration currently feeds Washington residents into the very cages the Governor has just declared jeopardize the lives of the people of our region.” *Gov. Inslee: End the Transfers, Stop the DOC to ICE Pipeline!, LIBERATION NOT DEPORTATION COALITION* (June 16, 2021), https://docs.google.com/forms/d/e/1FAIpQLSd_NDIR_Ae1OAnFsuPYiEyV2_ccng8vDf99jIC0SSIXOr1xrQ/viewf orm; Press Conference: Over 60 Community Groups Ask Governor Inslee to stop the Transfers to ICE, LIBERATION NOT DEPORTATION COALITION (June 16, 2021), https://www.iceoutofw.com/post/press-conference-over-60-community-groups-ask-governor-inslee-to-stop-the-transfers-to-ice.


June 2021 La Resistencia action outside NWDC, Signs read: “Stop the Detention Center & LNG [liquefied natural gas] on Puyallup Land” and “SHUT IT DOWN” | Photo credit: La Resistencia
and December 2021, as well as new COVID-19 cases in March and April 2022. Since March 2022, advocates have held a Holy Week solidarity day; a tabling event at the University of Washington; a rally outside NWDC; and a May Day rally in solidarity with NWDC workers seeking fair pay. In May 2022, people inside NWDC launched two hunger strikes, with 13 people and 40 people participating, respectively. Hunger strikers’ demands include: protection against ongoing COVID-19 outbreaks, clean clothes and units, jobs with minimum wage, contact with ICE officers on their deportation proceedings, lower commissary prices, lights off at night, and immediate individual review on all cases for release under parole or under *Fraihat*. Also in May 2022, the University of Washington Center for Human Rights released a report on sexual abuse at NWDC, the latest in a series on human rights conditions at the jail. The report meets one of the hunger strikers’ demands for follow-up on a sexual assault that someone detained at NWDC was subjected to in April 2022; as of May 23, 2022, neither ICE nor GEO Group has provided a response to calls for accountability.

---


94 Facebook posts, *La Resistencia* (Mar. 31, 2022; Apr. 6, 2022; Apr. 26, 2022), [https://www.facebook.com/LaResistenciaNW/](https://www.facebook.com/LaResistenciaNW/).

95 *Id.* (Apr. 16, 2022; Apr. 26, 2022, May 1, 2022).

96 Email from La Resistencia (May 23, 2021).

97 *Conditions at the NWDC: Reporting of Sexual Abuse and Assault*, UNIVERSITY OF WASHINGTON CENTER FOR HUMAN RIGHTS (May 16, 2022), [https://jsis.washington.edu/humanrights/2022/05/16/nwdc-assault-abuse-reporting/](https://jsis.washington.edu/humanrights/2022/05/16/nwdc-assault-abuse-reporting/).

98 Email from La Resistencia, *supra* note 96.
(3) ILLINOIS

ICE had been detaining immigrants at three jails in Illinois: McHenry County Adult Correctional Facility (McHenry), Pulaski County Detention Center (Pulaski), and Jerome Combs Detention Center. There are currently no private immigration jails in the state, despite an effort by ICE, described below, to open a new private detention facility in Dwight, Illinois.

Immigrant rights groups including Organized Communities Against Deportations (OCAD), Illinois Coalition for Immigrant and Refugee Rights (ICIRR), the Coalition to Cancel the ICE Contract in McHenry County, and the National Immigrant Justice Center have long been organizing to end ICE detention in Illinois. As a result of this organizing, Illinois has enacted two key laws limiting immigration detention in the state: HB 2040 and SB 667.

**Successful Organizing to Pass HB 2040**

HB 2040 prevents local governments from engaging in any kind of financial transaction with a private detention center—going further than California’s SB 29, which banned contracts but not other forms of financial transactions with private entities. The immediate impetus for HB 2040 was community opposition to the construction of a new private detention center in Dwight, eighty miles outside Chicago. However, ICE had been seeking to build a new privately-operated facility in the Chicago region since before 2011, when it contracted with the Corrections Corporation of America (CCA, now CoreCivic) to build in Crete, Illinois. HB 1064, the earliest version of what became HB 2040, passed the Illinois Senate in 2012 during the Crete fight and fell one vote short of passing the Illinois House that year. ICE went through seven rounds of such proposals prior to Dwight—three in Illinois (including Crete) and four in Indiana—all of which were rejected by local officials or withdrawn in the face of local opposition. Dwight was the only proposal that won local (village board) approval, necessitating HB 2040.

HB 2040 was introduced on February 1, 2019. The bill was amended to ban for-profit facilities in March 2019. After the bill passed on May 16th, ICIRR worked with the governor’s office to expedite his signature on the bill so that it would become law before ICE’s RFP (request for proposal soliciting contractors’ bids) for the facility closed. Governor Pritzker signed the bill on June 21, 2019. HB 2040 went into effect immediately.

---

99 Note that Jerome Combs does not come up on ICE’s search results for detention centers in Illinois. *Detention Facilities*, ICE, supra note 1.
103 Id.
Movement Organizing to Abolish ICE, Cut Contracts, and Cancel Dwight Project

Even though HB 2040 became effective in June 2019, ICE continued it push its proposal to develop a new private detention center in Dwight, Illinois, in direct violation of HB 2040.\(^{104}\) ICE left open its solicitation for the Dwight site and began conducting an environmental review in summer 2020. ICIRR and several allies, including the governor’s office, bill sponsors, and several members of Illinois’ Congressional delegation, pushed ICE to withdraw the solicitation, and the mayor of Dwight responded to ICE, noting that HB 2040 rendered the facility illegal.\(^{105}\) Under pressure, in August 2020 ICE withdrew the solicitation, ending the Dwight project.

Impacted communities and organizers also successfully shut down ICE’s proposed “Citizens Academy.”\(^{106}\) The “Citizens Academy” proposal would have involved six-week trainings for civilians who were handpicked by ICE to receive “scenario-based” training on ICE arrest and deportation operations, including firearms training and targeted arrests.\(^{107}\) Community members responded with months of intensive organizing, sending nearly 1,000 emails to ICE demanding that it abandon plans for the academy,\(^{108}\) garnering the support of key elected officials,\(^{109}\) and moving forward with plans for a “people’s academy” to provide know-your-rights training for Chicago communities targeted by ICE.\(^{110}\) In early September 2020, two weeks before the “Citizens Academy” was slated to begin, ICE announced that it would be postponing the program.\(^{111}\) Following the announcement, hundreds of people gathered outside of Chicago’s ICE Field Office to celebrate this movement victory.\(^{112}\) In May 2021, OCAD and the Immigrant Defense Project partnered with the Center for Constitutional Rights to file a FOIA lawsuit seeking information about the program.\(^{113}\)


\(^{105}\) Email from Fred Tsao, Senior Policy Counsel, Illinois Coalition for Immigrant and Refugee Rights (May 13, 2022).

\(^{106}\) [In Huge Victory, Immigrant Leaders Shut Down ICE “Citizen’s Academy”, ILLINOIS COALITION FOR IMMIGRANT AND REFUGEE RIGHTS](https://www.icIRR.org/News/In-Huge-Victory%2C-Immigrant-Leaders-Shut-Down-ICE-%E2%80%9CCitizen%27s-Academy%E2%80%9D) (Sept. 3, 2020).


\(^{111}\) Malagón, supra note 108.


\(^{113}\) [OCAD v. ICE, supra note 107 at ¶ 31.](#)
In April 2021, people in detention in Illinois and Wisconsin filed a civil rights complaint with DHS’s Office for Civil Rights and Civil Liberties. The complaint included claims of extreme medical neglect at Pulaski. In May 2021, DHS cited Pulaski for unsafe COVID-19 protocols and found the jail in violation of numerous detention standards.

Impacted communities and immigrants’ rights coalitions have also continued to organize in opposition McHenry county’s ICE contract, staging actions and protests in 2020 and 2021. The Coalition to Cancel the ICE Contract in McHenry County (twenty-nine groups from the

---

county and region) held a rally in April 2021;\textsuperscript{117} coordinated a petition with 2,000 signatures that it presented to the county board;\textsuperscript{118} and in May 2021 held a rally outside the jail before the county board voted on a resolution to end the jail contract.\textsuperscript{119} Before the rally, people detained at McHenry were able to see and hear the demonstrators who had gathered to express solidarity with them. Cesar Elizarraraz—who at that time had been detained at McHenry for 20 months—explained the power of this community support: “It’s easy to lose hope in a place like that, but then, when you start seeing things like . . . the rally outside [McHenry] . . . you can just sense the hope that, ‘I’m not going to give up.’ There’s people out there that care about us.”\textsuperscript{120}

Shortly before the vote, Meydi Guzman Rivas, a nineteen-year-old undocumented college student, shared her experience in ICE detention and urged the county board to end its ICE contract.\textsuperscript{121} At the same county board meeting, family members of Cesar Elizarraraz, including his partner Kirstin Glauner and their eldest son, demanded McHenry’s closure. Glauner shared the pain of having a loved one in detention:

> For the last 20 months, I have been living a nightmare I don’t wish upon anyone. Our county should not be supporting these practices and profiting off the misery of those that are being detained or the family of those detained. These detainees are more than just $95 a day. They are someone’s spouse, mother, father, son, daughter, aunt, uncle, neighbor or friend.\textsuperscript{122}

Despite this testimony, the county board voted to keep the contract.\textsuperscript{123} The organizing by impacted communities continued. Johannes Favi, an immigrant from Benin who was formerly detained at Jerome Combs, emphasized the moral imperative of the fight: “I do [it] because for me, it’s just common sense to fight for what is right. And I’ve lived it. So I know this is wrong. And if nobody stands to do something against it, well, it’ll keep happening.”\textsuperscript{124} María Valdez, a volunteer with the Elgin Coalition for Immigrant Rights (a member of the Illinois Coalition for Immigrant and Refugee Rights), expressed both disappointment in the county board’s vote and commitment to continue building momentum:

\begin{itemize}
  \item \textsuperscript{118} Id.
  \item \textsuperscript{120} Adriana Rezal, \textit{As Immigration Laws Change, One McHenry Man Slips Through The Cracks}, BORDERLESS MAGAZINE (June 30, 2021), https://borderlessmag.org/2021/06/30/as-immigration-laws-change-one-mchenry-man-slips-through-the-cracks/ (quoting Cesar Elizarraraz).
  \item \textsuperscript{121} McCoppin, \textit{supra} note 119.
  \item \textsuperscript{122} Rezal, \textit{supra} note 120 (quoting Kirstin Glauner).
  \item \textsuperscript{123} Elvia Malagón, \textit{McHenry County Board votes to keep ICE contract}, CHICAGO SUN-TIMES (May 18, 2021), https://chicago.suntimes.com/2021/5/18/22442311/chicago-immigration-ice-mchenry-county-board.
\end{itemize}
I think that a silver lining of this is that it mobilizes people, right? It makes people feel angry, more passionate and engaged to be able to push for something. So is it a good time? It is always a good time to do the right thing. And are we going to win? I think we have a good chance.\textsuperscript{125}

**Passage of the Illinois Way Forward Act (SB 667)**

In 2021, Immigrants’ rights groups successfully passed SB 667, the Illinois Way Forward Act (Illinois Way Forward)\textsuperscript{126}. Illinois Way Forward bars new contracts between ICE and local jails and state prisons for ICE detention.\textsuperscript{127} The law also required counties with existing contracts...
to exercise their termination clauses no later than January 1, 2022.\textsuperscript{128} SB 667 passed both Houses on May 31, 2021;\textsuperscript{129} the bill was sent to Governor Pritzker on June 29, 2021.\textsuperscript{130}

In parallel, OCAD and ICIRR collaborated on a release campaign to free Cesar Elizarraraz, who spent nearly 21 months in detention at McHenry. Cesar’s release campaign served as a powerful catalyst for the movement, gathering over 1,700 signatures on a community petition and holding a June 2021 rally outside the USCIS Chicago Field Office to demand his immediate release.\textsuperscript{131} The campaign won Cesar’s release later that month.\textsuperscript{132} In early July 2021, shortly before Governor Pritzker signed Illinois Way Forward into law, Cesar spoke at a rally of hundreds of people, demanding an end to immigration detention, a halt to deportations, and a pathway to citizenship for everyone, emphasizing the role of the community in his release: “I am here today because so many people like you stood up to say, ‘no’ to deportation. ‘No’ to detentions and ‘no’ to the inhumane immigration system in this country.”\textsuperscript{133} Governor Pritzker and Democratic U.S. Representatives Jan Schakowsky and Marie Newman attended the rally and pledged to support the fight against deportations and to push for a pathway to citizenship.\textsuperscript{134} Pritzker signed Illinois Way Forward into law on August 2, 2021.\textsuperscript{135}

McHenry and Kankakee counties filed suit in November 2021 to block SB 667 from going into effect.\textsuperscript{136} A federal district judge dismissed the counties’ suit in December 2021, holding that Illinois Way Forward is “a valid exercise of the State’s sovereign authority.”\textsuperscript{137} The counties

\begin{itemize}
  \item \textsuperscript{128} Recently passed legislation ends using Kankakee County jail to house ICE detainees, DAILY JOURNAL (June 5, 2021), https://www.daily-journal.com/news/crime/recently-passed-legislation-ends-using-kankakee-county-jail-to-house-ice-detainees/article_527b8f0a-c55d-11eb-81c8-efd55654e5e2.html.
  \item \textsuperscript{129} “ILLINOIS WAY FORWARD” BILL PASSES STATE SENATE: Pro-immigrant legislation would completely separate local law enforcement from ICE in Illinois, creating some of the strongest immigration protections in the country, ILLINOIS COALITION FOR IMMIGRANT AND REFUGEE RIGHTS, (May 28, 2021), https://www.icirr.org/News/Illinois-Way-Forward-Passes-IL-Senate.
  \item \textsuperscript{131} Stephanie Casanova, Hundreds rally in Chicago for an end to detentions and a pathway to citizenship for immigrants, Chicago Tribune (July 9, 2021), https://www.chicagotribune.com/news/breaking/ct-chicago-immigration-rally-20210709-tmnjg2roanbc5e7dr2ewjg5s7e-story.html.
  \item \textsuperscript{132} See Illinois Coalition for Immigrant and Refugee Rights Twitter post (June 18, 2021), https://twitter.com/icirr/status/1405950417138339845.
  \item \textsuperscript{133} Casanova, supra note 131.
  \item \textsuperscript{134} Id.
  \item \textsuperscript{135} Bill Status of SB0667, supra note 130; Madison Muller, As Illinois Bans Immigration Detention in the State, What Will Happen to People Currently Detained?, SOUTH SIDE WEEKLY (Aug. 3, 2021), https://southsideweekly.com/illinois-way-forward-act/.
  \item \textsuperscript{137} McHenry County et al v. Raoul, No. 3:21-cv-50341, ECF-41, 8 (N.D. Ill. Dec. 6, 2021) (granting State’s motion to dismiss).  
\end{itemize}
OCAD organizer Xanat Sobrevilla speaks during June 2021 rally for Cesar Elizarraraz’s release outside USCIS Chicago Field Office. Signs include: “FREE CESAR!!”; “ABOLISH ICE”; “STOP DEPORTATIONS, WELCOME IMMIGRANTS”; “FREE MY SON PLEASE” | Photo credit: Adriana Rezal/Borderless Magazine


As of late February 2022, there is no more ICE detention in Illinois. Since Illinois Way Forward has come into effect, at least 41 of the 76 people detained at McHenry and Kankakee
have been released. Amanda Hall, co-founder of the Coalition to Cancel the ICE Contract in McHenry County, explains the significance of these releases:

At least 41 individual families that are impacted by this, and their trauma has ended. That’s a gift to each and every one of those people and their families. It’s one more stone in the pond. And we’re not the first stone—other detention centers have closed—[each one] will keep sending those ripple effects . . . [W]e’re definitely not going to be the last ones, and that’s an amazing thing to think about.

Along with these releases, ICE transferred about 30 people to out-of-state immigration jails. Xanat Sobrevilla, an organizer with OCAD, emphasizes that ICE maintains the authority to release any and all people it detains: “[ICE] could’ve released the 30 people—there’s no lack of authority there. There’s just a lack of choice from ICE.”

---

142 Id. (quoting Amanda Hall).
143 Id. (quoting Xanat Sobrevilla).
Signs read: “LIBEREN TODXS [FREE THEM ALL]” and “MASS RELEASE NOW” | Photo credit: OCAD
(4) NEW JERSEY

Until recently, ICE operated four immigration detention centers in New Jersey: Bergen County Jail (Bergen), Elizabeth Contract Detention Facility (EDC), Essex County Jail (Essex), and Hudson County Jail (Hudson). In 2021, New Jersey passed legislation prohibiting private and public entities from contracting with ICE to jail immigrants, making it the first East Coast state to end immigration detention.

Building Movement Power in the Lead-up to Passing Dignity Not Detention

Immigrants in New Jersey and New York have been protesting and resisting abhorrent conditions in New Jersey jails for decades, from both inside and outside detention. In 1995, for example, people detained at EDC rose up and attempted to take it over. A 2010 New York Times investigation into officials’ cover-ups of immigrant deaths in immigration jails revealed egregious abuses by officials at Bergen and EDC.

For decades, immigrant rights groups like American Friends Service Committee and First Friends of New Jersey and New York have been leading the fight to expose and close immigration jails and support people detained in New Jersey. They joined with others in coalition organizing, first through New Jersey Advocates for Immigrant Detainees and more recently through the New Jersey Alliance for Immigrant Justice (NJAII), a coalition of 43 organizations, representing 150,000 people across the state. Because many people detained in New Jersey are from New York, coalition organizing has also included New York organizations. The Abolish ICE NY-NJ Coalition has also been a central driver of recent abolitionist organizing and advocacy around detention center closures in the two states. Members of the coalition include: Envision Freedom Fund (formerly Brooklyn Community Bail Fund), Freedom For Immigrants, Borderless Existence Initiative, Critical Resistance NYC Chapter, Central Jersey DSA, Center for Constitutional Rights, Doctors for Camp Closure, Freedom To Thrive, New York State Youth Leadership Council (NYSYLC), Unidad Latina en Acción, Bronx Defenders, Rochester Rapid Response Network, NYC Democratic Socialists of America, New York Lawyers for the Public Interest, New Jersey Alliance for Immigrant Justice, North Jersey Democratic Socialists of America (DSA), Queer Detainee Empowerment Project, Movimiento Cosecha NJ, NO ICE Ridgewood for Black Liberation, Drew Roosevelt Institute, Solidarity & Mutual Aid Jersey City, and Unitarian Universalist Faith Action New Jersey. The ACLU of New Jersey and Rutgers Immigrant Rights Clinic have also supported this work.

---

144 Detention Centers, ICE, supra note 1.
Abolish ICE NY-NJ calls for the abolition of immigration detention. Additionally, the “Fair and Welcoming New Jersey For All Platform”, a campaign launched in March 2021, also calls for the abolition of ICE detention in New Jersey. The first item of the coalition’s platform is to “ban new Immigration and Customs Enforcement (ICE) detention contracts, including renewals or expansions.”

The movement for ending immigration detention in New Jersey built enormous power over the last several years. People in detention at Bergen, Hudson, and Essex organized repeated hunger strikes in 2018 and 2020 and went to the press with their stories. Many community members

---

149 INSIDER NJ, supra note 147.

150 See Matt Katz, ICE Detainees Go On Hunger Strike For Second Time This Month at Bergen County Jail, GOTHAMIST (Nov. 18, 2020), https://gothamist.com/news/ice-detainees-go-hunger-strike-second-time-month-bergen-county-jail; Matt Katz, Immigrant Detainees Held by ICE Are Going On Hunger Strikes, NPR (Dec. 27, 2020), https://www.npr.org/2020/12/27/948315484/immigrant-detainees-held-by-ice-are-going-on-hunger-strikes; “In 2018, a Ukrainian immigrant who went on hunger strike at the North Jersey facility was transferred to El Paso, TX, where his strike ended when a judge ordered that he be force fed up the nose multiple times a day while being held down by guards.” Matt Katz, ICE Detainees Go On Hunger Strike For Second Time This Month at Bergen County Jail, GOTHAMIST (Nov. 18, 2020), https://gothamist.com/news/ice-detainees-go-hunger-strike-second-time-month-bergen-county-jail; Abolish ICE NY-NJ Coalition: People In ICE Detention In Essex And Hudson County Jails Undertake Hunger Strikes To Obtain Their Freedom From Indefinite Incarceration As Confirmed Covid-19
have put their bodies on the line to be arrested in solidarity with hunger strikers, loved ones, and all immigrants in detention. At EDC, thirty-six members of the Jewish group Never Again Action were arrested at a demonstration in June 2019. Community members held a 24-hour vigil and protest at EDC in May 2020. That same month, four people detained at EDC filed a class action lawsuit suing for their release during the COVID-19 pandemic. Protesters held daily rallies and actions outside Bergen for months, beginning in November 2020. In August 2020, EDC private landlord, Elberon, announced that it was seeking to end its lease with CoreCivic to detain immigrants. This came after months of sustained organizing in response to COVID-19 and dangerous conditions inside EDC. CoreCivic declined, instead telling its investors that it would run its lease out until it expired in 2027.

In late November 2020, directly impacted people and immigrants’ rights advocates delivered over nine hours of public comment during a Hudson County board meeting prior to a vote on the ICE contract. Although the county officials voted to extend the ICE contract, the extensive testimony built organizing momentum. Speakers referred to the ICE contract as blood money, which was later repeated by Senators Cory Booker & Bob Menendez and helped spur NJ state legislators to contact AFSC and others about moving ahead with the legislation.

At a December 2020 action at Bergen in solidarity with hunger strikers detained at the jail, police responded with disproportionate force, arresting nine people and using pepper spray and


151 Ben Sales, _The Jews getting arrested at ICE centers are just getting started_, JEWISH TELEGRAPHIC AGENCY (July 12, 2019) https://www.jta.org/2019/07/12/united-states/the-jews-getting-arrested-at-ice-centers-are-just-getting-started.


156 _Id._

157 _Id._


159 NowThis, Twitter (Dec. 1, 2020), https://twitter.com/nowthisnews/status/1333886842303893505.
smoke grenades to disperse the protest.\textsuperscript{160} Also in December 2020, activists and elected leaders held a rally outside Hudson, protesting the county’s decision to extend its ICE contract.\textsuperscript{161}

People inside New Jersey immigration jails continued to protest conditions and advocate for their freedom throughout 2021 despite facing threats and retaliation.\textsuperscript{162} Hunger strikers experienced particularly extreme retaliation, including solitary confinement, forced feedings, and transfers. In January 2021, Marcial Morales Garcia, a hunger strike leader who was detained at Essex and Bergen, described threats and retaliation tied to this organizing:

[W]e organized a whole unit, 200 guys, of hunger strikers. But they came and moved all the leaders of the hunger strike to different units or solitary . . . . They took one of the leaders and punished him by putting him in solitary for 60 days. They’re not allowed to do that but they accused him of being a terrorist because he was organizing a hunger strike . . . . My goal here is to let the world know what happens inside of these jails . . . . And I won’t shut up.\textsuperscript{163}

Bonilla, an immigrant from Honduras detained at Essex, was released from detention on humanitarian parole in February 2021 after a thirty-six-day hunger strike. He gave a detailed account of the intimidation and retaliation hunger strikers at Essex faced:

They told me they were going to lay me on a table and stuff food down my throat . . . . They were psychologically abusing us and threatening physical violence. I have the right to go on a hunger strike. My statement even said everything I was doing was against ICE and not at the jail or any staff members of Essex . . . And if I were on the inside, this story wouldn’t come out . . . If you say something they don’t like or that will affect them, they’ll mess with your phone calls . . . they started moving people to lock-up [solitary confinement] . . . they moved another guy from Jersey to El Paso.\textsuperscript{164}

In April 2021, Essex County Executive Joseph DiVincenzo, Jr. announced that detention capacity used to hold immigrants at Essex (which had detained immigrants since 2008) would be


\textsuperscript{162} Amba Guerguerian and John Tarleton, Cold as ICE: North Jersey Counties Rake in Millions from the Feds While Holding Immigrant Detainees in Subhuman Conditions, INDYPENDENT (Apr. 21, 2021), https://indypendent.org/2021/04/corruptradinbed/.

\textsuperscript{163} Amba Guerguerian, I Was Going to Leave Alive or in a Body Bag: An Immigrant Hunger Striker’s Story, INDYPENDENT (Jan. 16, 2021), https://indypendent.org/2021/01/i-was-going-to-leave-alive-or-in-a-body-bag-an-immigrant-hunger-strikers-story/.

reallocated to jail inmates from Union County. Under the county’s contract with ICE, the agency was required to remove all detainees from Essex within 120 days, by August 23, 2021. Advocates released a statement condemning the substitution of criminal detention for immigration detention and calling for the immediate release of all 165 people detained at Essex. Also in April 2021, Hudson County made a tepid announcement they were “open minded” about getting out of their contract with ICE by the end of the year, but that “nothing is concrete.”

In May 2021 immigration officials assaulted, pepper sprayed, and put into solitary confinement a number of detainees at Bergen who objected to a sudden demand for lockdown. Also in May 2021, EDC’s private landlord Elberon sued CoreCivic to break its lease. The lawsuit alleges that CoreCivic breached its contract because it has failed to follow both local and federal COVID-19 safety regulations, despite “the grave concerns expressed by those individuals who have experienced first-hand the dangerous conditions within [EDC].” New hunger strikes took place at Bergen and Essex in June 2021. Bergen County stated in June 2021 that it had

---

171 Id.
stopped accepting new detainees.\(^{173}\) On June 9, 2021, fourteen supporters of people detained at Bergen were arrested at a vigil and action to halt the transfer of Marvin Peña.\(^{174}\)

**Successful Passage of Anti-Detention Legislation: AB 5207 / S3361**

After many years of organizing, immigrants’ rights groups secured the passage of New Jersey’s legislation limiting immigration detention in June 2021. This legislation is combined in AB 5207 and SB 3361 (the latter was substituted by AB 5207 on June 24, 2021\(^{175}\)). The law prohibits private and public entities from contracting with ICE to jail immigrants in the state of New Jersey.\(^{176}\) More specifically, it prevents any state, county, or municipal government entity from entering into, renewing, or extending any immigration detention contract, including with private actors and other governmental entities; it does not contain any provisions relating to


\(^{176}\) New Jersey Legislature, AB 5207, 219th Legis., [https://www.njleg.state.nj.us/2020/Bills/A9999/5207_I1.HTM](https://www.njleg.state.nj.us/2020/Bills/A9999/5207_I1.HTM).
termination before contract expiration dates, zoning or permitting. It also stipulates that nothing in the provision “shall be construed to prohibit, or in any way restrict, any action where the prohibition or restriction would be contrary to federal law, the United States Constitution, or the New Jersey Constitution.”

Directly impacted community members spoke out in support of this legislation. Carlos Sierra, who was formerly detained at Essex County Correctional Facility and is a First Friends Released Friend & Program Associate, shared: “I will never be able to see justice for what I was subjected to in detention, but this bill will bring some small bit of comfort to me and my family.”

In response to a positive Senate committee vote on SB 3361, Julie, a Make the Road New Jersey member, stated:

At the height of the pandemic, I spent several months in a detention center separated from my family. I am no longer there, but I fear every day that I could be detained again. Today’s Senate committee vote means I am one step closer to living without fear.

AB 5207 was introduced on January 4, 2021 and reported out of the Assembly Committee on June 2, 2021. It passed in the Assembly on June 21, 2021, and the Senate followed suit on June 24th. There was delay before New Jersey Governor Phil Murphy signed the bill into law, during which time EDC secretly renewed its ICE contract. On August 20, 2021, Governor Murphy signed AB 5207, making New Jersey the first East Coast state to enact anti-detention

177 Id.
178 Id. at (c).
182 Id.
The law took effect immediately, banning any new ICE detention contracts, as well as the renewal or extension of current ICE detention contracts in the state of New Jersey.\(^\text{185}\)

**Organizing Against Mass ICE Transfers**

Despite powerful advocacy and direct action by impacted communities to release, not transfer, everyone in immigration detention, ICE has responded with mass transfers. Hudson transferred at least forty people detained in New Jersey to Buffalo, NY in January 2021, in retaliation for hunger strikes.\(^\text{186}\) On June 4, 2021, NYIFUP sent a letter to Tae Johnson, acting ICE Director, Corey Price, acting ERO Director, and Thomas Decker, New York Field Office Director


\(^{185}\) Amy Torres, S3361/A5207 Becomes Law!, NEW JERSEY ALLIANCE FOR IMMIGRANT JUSTICE (Aug. 23, 2021), https://www.njimmigrantjustice.org/s3361_a5207_becomes_law.

\(^{186}\) Deana Garcia, ICE Denies Hudson County Jail is Transferring Detainees, DOCUMENTED (Jan. 11, 2021), https://documentedny.com/2021/01/11/ice-denies-hudson-county-jail-is-transferring-detainees/.
concerning these “unprecedented” transfers.\textsuperscript{187} The letter detailed “recent and sudden transfers” of clients to Louisiana, Alabama, and Pennsylvania, without notice to attorneys or clients themselves.\textsuperscript{188} It called for ICE to end out-of-state transfers and “instead immediately release all recently transferred individuals as well as all those currently detained at the Bergen County Jail, the Hudson County Correctional Facility, the Essex County Correctional Facility, and the Orange County Jail.”\textsuperscript{189} The letter followed with a second, more compromised ask: “We demand that, at a minimum, ICE adheres to [] notification procedures . . . and revert to its prior 2012 policy against transfers [not transferring individuals away from the area in which they had family ties or counsel].”\textsuperscript{190}

At the time of the passage of New Jersey’s anti-detention legislation on June 24, 2021, ICE detained about 300 people from both New York and New Jersey in the state, down from about 2,000 before the COVID-19 pandemic.\textsuperscript{191} ICE continued to use transfers as a tool to retaliate against hunger strikers and attempt to undermine support for contract cuts in New Jersey, transferring people in the middle of the night, without notifying them, their attorneys, or their communities about the transfers themselves or their destinations.\textsuperscript{192} ICE transferred at least forty-five people from Essex between June 29 and July 1, 2021 alone.\textsuperscript{193} Advocates and loved ones of people who were detained in New Jersey reported transfers to Alabama, Louisiana, Georgia, Nevada, Massachusetts, and Pennsylvania, including some individuals who were transferred multiple times.\textsuperscript{194}

The National Immigration Project of the National Lawyers’ Guild and the ACLU of NJ filed an unsuccessful class action lawsuit in late June 2021 seeking to enjoin ICE’s transfers of people detained at Essex.\textsuperscript{195} The complaint alleged violations of the INA (right to counsel) and

\begin{itemize}
  \item \textsuperscript{188} Id. at 1.
  \item \textsuperscript{189} Id. at 2.
  \item \textsuperscript{190} Id.
  \item \textsuperscript{191} Matt Katz, Is This The End of Local ICE Detention? That’s Immigrants’ Hope—and Fear, GOTHAMIST (June 25, 2021), https://gothamist.com/news/is-this-the-end-of-local-ice-detention-thats-immigrants-hopeand-fear.
  \item \textsuperscript{193} On June 29, 2021, ICE transferred 30 people between about 4:30am and 5:30am. The next day, on June 30th, ICE transferred another 15 people at about 2am. See Sara Betancourt, Ice transfers 30 detainees to unknown location amid hunger strike, THE GUARDIAN (June 29, 2021), https://www.theguardian.com/us-news/2021/jun/29/ice-detainees-new-jersey-protests; Internal communications with the Abolish ICE NY-NJ coalition (June 28-July 2, 2021).
  \item \textsuperscript{194} Internal communications with the Abolish ICE NY-NJ coalition (June 28-July 2, 2021).
  \item \textsuperscript{195} This was the first lawsuit the ACLU has filed regarding an immigration policy during the Biden administration. Groups Sue Biden Administration To Halt Illegal Transfer of Immigrant Detainees in New Jersey, NIP-NLG (June 30, 2021), https://nipnlg.org/pr/2021_30June-Complaint_Robles_DHS.html.
\end{itemize}
Fifth Amendment (due process in removal proceedings)\textsuperscript{196} Although the press release highlighted movement and community demands for releases, the complaint ultimately sought to halt distant transfers of more than 100 miles rather than directly require releases.\textsuperscript{197} In a July 2021 hearing, a federal judge denied a preliminary injunction on the grounds that the “balance of harm favors ICE.”\textsuperscript{198} The judge took the deeply concerning position immigrants’ rights advocates had made their bed (by advocating for shut down of local detention centers) so they would now have to lie in it (by accepting that in many cases the “inevitable” alternative would now be transfer out of state).\textsuperscript{199}

Organizing and resistance against ICE transfers has continued, including a July 2021 action where organizers shut down an ICE black site near Essex, stopping a deportation flight and calling for releases, not transfers, of everyone detained at Essex and across the state.\textsuperscript{200} Another action

\begin{footnotesize}
\textsuperscript{196} Robles, supra note 192, No. 2:21-cv-13117 at ¶¶ 107, 113-14.
\textsuperscript{197} Compare id. at 28, with Groups Sue Biden Administration To Halt Illegal Transfer of Immigrant Detainees in New Jersey, NIP-NLG, Press Release (June 30, 2021), \url{https://nipnlg.org/pr/2021_30June-Complaint_Robles_DHS.html}
\textsuperscript{198} Despite being a public hearing, the court did not provide same-day call-in information to people who requested to attend virtually, stating that “chambers were full.”
\textsuperscript{199} Email from Joseph Meyers, NIP-NLG (May 10, 2022).
\textsuperscript{200} See Tamar Sarai Davis, Immigrant justice organizers blockade ICE black site in New Jersey, PRISM (July 23, 2021), \url{https://prismreports.org/2021/07/23/immigrant-justice-organizers-blockade-ice-black-site-in-new-jersey/}; Tariq Zehawi, Protesters disrupt an ICE facility used to process immigrant detainees for transfer, NORTH JERSEY
\end{footnotesize}
took place in October 2021, with demonstrators blocking the entrance to Hudson for hours and calling for an end to ICE transfers and the release of all people in detention. Haydi T., an organizer with Movimiento Cosecha, emphasized:

Our main goal is just to make sure that transfers don’t happen in the shadows. There is already a lack of communication between ICE to the lawyers and people inside detention and families of when transfer will happen. [We’re] making sure that we still keep the heat on the senators in New Jersey—Booker, Menendez—and also the [J]ustice [department] officials.

By November 12, 2021, there were no more people in immigration detention in New Jersey county jails. While many individuals were released, many others have been transferred to immigration jails in New York, including Orange County Correctional Facility in Goshen, NY and Batavia Service Processing Center in Buffalo, NY (see the section on New York for more information, below). Efforts are still underway to close EDC prior to the end of its current ICE contract.


202 Id. (quoting Haydi T.).


204 Id.
(5) MARYLAND

ICE currently operates three immigration jails in Maryland: Dorchester County Detention Center, Frederick County Detention Center, and Worcester County Detention Center. As described below, as of March 2022, Howard County Detention Center (Howard) no longer detains immigrants. All remaining ICE contracts in the state will end in October 2022, under Maryland’s Dignity Not Detention legislation.

Successful Organizing to End Howard County’s ICE Contract

ICE’s contract with Howard County began in 1995, allowing ICE to detain immigrants at Howard, in Jessup, Maryland. Impacted communities have organized and built power for years around closing Howard and all other immigration jails in the state. The Howard County Coalition for Immigrant Justice (HCCIJ), founded in 2019, has been a central organizing force against ICE detention in the county. HCCIJ is “a coalition of immigrants, concerned organizations, and individuals working to support and protect” immigrants in Howard County; the coalition believes that all people “deserve respect, justice, safety, and opportunities to thrive.”

HCCIJ organized for almost two years to end Howard County’s contract with ICE. Community member Margaret Goodlin wrote a letter to the editor in the Washington Post in February 2020 titled “Get ICE out of the Howard County Detention Center.” Hundreds gathered in June and July 2020 to protest Howard County’s ICE contract. Organizers published an open letter to Howard County Executive Calvin Ball on June 24, 2020, calling on him to “immediately stop all new admissions to the ICE Detention Center, and begin releasing detainees” in light of the urgent public health risks for people in detention posed by COVID-19. In August 2020, three men who had been detained at Howard went public with their experiences of abhorrent conditions.

---

205 Detention Facilities, ICE, supra note 1.

206 The Coalition’s members include (in alphabetical order): ACLU of Maryland; Asian Americans Advancing Justice (AAAJ); CASA; Channing Memorial Church; Chinese-American Network for Diversity and Opportunity (CAN-DO); Columbia Jewish Congregation; Conexiones; Council on American Islamic Relations (CAIR); Community Allies of Rainbow Youth (CARY); Doctors for Camp Closure; Friends of Latin America; Friends Committee on Immigration and Refugees; Howard County Board of Rabbis; Indian Cultural Association of Howard County; Indivisible HoCoMD-Immigration Action Team; Jews United for Justice; Our Revolution Howard County; Patapsco Friends Meeting; Sunrise Movement Howard County; Young Socialist Movement; and Unitarian Universalist Congregation of Columbia.


bogus justifications for their detention, and continuing transfers during the pandemic.210 One of the men recounted being separated from his brother and transferred from Frederick to Howard in July 2020; when he asked an ICE agent why he was being transferred, “[h]e couldn’t answer me. He told me it was random.”211

In September 2020, Howard County Councilmember Liz Walsh introduced CB-51, a county bill that would have ended the county’s ICE contract. Councilmember Walsh underlined the vital role of impacted communities in pushing the bill forward:

It is not my work, though, that led this bill before us. It is the steadfastness, the relentlessness and the compassion of the advocates and the people who live this

211 Id.
Community members held a vigil on October 5, 2020, the night before the Council was scheduled to vote on CB-51.213

Although the measure passed in the Council the following day by a 3-2 vote, County Executive Calvin Ball vetoed it immediately.214 Ball claimed that the updated policy he had announced in September 2020 was better than terminating the contract. (Under this policy, ICE detention in Howard County Detention Center was limited to immigrants who had been convicted of a “crime of violence.”)215 During a HHJ press conference, Councilmember Walsh rejected this “good immigrant” versus “bad immigrant” rationale: “[The updated policy] won’t stop who ICE is targeting or ICE’s aims in terms of the harm it will cause to the person it’s detaining and their family.”216 The issue of transfers also loomed large. One of the ‘no’ votes came from Councilmember Opel Jones (D), who expressed concerns about the impact of closures on access to counsel and their communities for people in detention:

There is no guarantee [ICE detainees] will be held in Maryland. They could end up far from support networks of family and friends in rural detention centers in Georgia, Virginia, Louisiana, or North Carolina, with some of the worst reputations in the country for unsanitary, unsafe, and abusive conditions.217

212 End the Contract between Howard County and ICE, HCCIJ, https://howardcountyimmigrantjustice.org/ice.
216 HCCIJ, supra note 212.
217 Howard County Councilmember Opel Jones, Statement for Vote on CB51-2020, SCOTT E’S BLOG, (Oct. 5, 2020) (quoting Professor Maureen Sweeney, Director of the Immigration Clinic at the University of Maryland Carey School of Law) (internal quotations omitted), https://scotteblog.com/2020/10/05/howard-county-councilman-opel-jones-statement-for-vote-on-cb51-2020/.
Vigil in MD 2020 in support of CB 51. Signs read: “GET ICE OUT of Howard Co. SUPPORT Bill CB 51”

Photo credits: CASA MD
Following County Executive Ball’s veto, immigrant communities continued to organize and call on Howard County to end its ICE contract, while simultaneously pushing for the passage of Maryland’s Dignity Not Detention Act, detailed below. In response to mounting grievances, DHS’s Office of the Inspector General released a report on Howard in October 2020 confirming numerous violations of ICE’s own policies, including excessive strip searches and insufficient record-keeping requirements for medical grievances and the use of solitary confinement.\(^{218}\)

After sustained pressure, on March 19, 2021 County Executive Ball notified ICE of its intent to terminate the contract.\(^ {219}\) (Ending the contract requires sixty days’ notice, so ICE was required to remove the eight people detained at the jail by no later than May 18, 2021.\(^ {220}\))

**Passage of the Maryland Dignity Not Detention Act**

In parallel to the local fight to end Howard County’s ICE contract, advocates pushed state-level legislation forward during the 2020-21 session. Maryland’s Dignity not Detention Act (HB 16, formerly HB 677) bans state, county, and local governments from: entering into private detention contracts; subsidizing construction or operation of privately run immigration detention facilities; receiving payments related to private immigration detention; issuing permits for new construction or conversion of private immigration detention facilities without notice and public comment; and entering into or renewing any immigration detention agreement.\(^ {221}\) HB 16 requires the termination of existing ICE contracts in the state by October 1, 2022.\(^ {222}\)

The Maryland Dignity Not Detention Act was first introduced as HB 677 on January 30, 2020.\(^ {223}\) After dying in committee, the bill was reintroduced on September 14, 2020, as HB 16.\(^ {224}\) Impacted people repeatedly shared their stories and engaged in direct action in support of HB 16. During a February 11, 2021 hearing, CASA member Nora Argueta testified virtually from El Salvador about her experience in ICE detention at Worcester County for ten months, sharing the abuse and trauma that she survived.\(^ {225}\) In April 2021, CASA member Maria Rivas published an op-ed in a local Baltimore newspaper detailing the experience of her youngest brother, Kevin, in

\(^{220}\) Id.
\(^{222}\) Id.
\(^{224}\) H.B. 16, *supra* note 221.
\(^{225}\) Ms. Argueta was deported after her time in detention in Maryland. She was separated from her children, who are still in the United States. See Audrey Decker, *Bill takes aim at ICE detention centers in Maryland, AP* (Feb. 11, 2021) https://apnews.com/article/annapolis-coronavirus-pandemic-immigration-maryland-bills-e3d2c37d7fa369f302b39696386bef1; Audrey Decker, *ICE detention centers could leave Maryland for good, THE FREDERICK NEWS POST* (Feb. 10, 2021), https://www.fredericknewspost.com/ice-detention-centers-could-leave-maryland-for-good/article_d8bf7897-e56e-559c-8a57-0d0887c2258e.html.
ICE detention in Frederick and then Howard County jail. Rivas urged state legislators to support HB 16 and the Trust Act (legislation to limit state and local law enforcement partnership with ICE), writing: “ICE must stop unfairly arresting and detaining immigrants. And our state and local government must stop helping them to do it . . . I look forward to fighting for these bills on behalf of my brother, and on behalf of my whole community.”

The legislation passed the Maryland legislature on April 13, 2021, two hours before the end of the session, with a veto-proof majority in both houses. In a HCCIJ press release following the passage of HB 16, Maryland’s Dignity Not Detention Act, Thais Moreira of Conexiones explained the coalition’s role:

> Our coalition has held demonstrations, testified at public meetings and hearings, collected thousands of petition signatures from community members, mounted social media campaigns, held vigils, and met repeatedly with elected officials. We are proud that our efforts have succeeded. Organizing works!

Although Maryland Governor Larry Hogan vetoed HB 16 on May 16, 2021, the Maryland legislature later overrode this veto. In his veto statement, Governor Hogan had derided the bill as “sanctuary state legislation” and “a solution in search of a problem” since Maryland does not currently have any private prisons and “only” three out of the state’s twenty-four jurisdictions have local detention contracts with ICE. Governor Hogan also invoked the specter of interstate transfers as a reason for his veto: “By banning these local agreements, it creates an unfortunate and likely scenario where immigrants who are detained will be sent to other facilities, presumably out of state, separating them from their families and making it harder to stay connected to their community.”

HCCIJ and impacted communities kept up pressure on their state elected officials.

---


227 “Veto-proof majority” in this context means that HB 16 passed with enough votes in each house to override a subsequent veto from Gov. Hogan. A successful override requires a three-fifths vote from both chambers at the start of the next legislative session: eighty-five votes in the House and twenty-nine in the Senate. HB passed with eighty-six votes in the House and thirty votes in the Senate. See Danielle E. Gaines and Hannah Gaskill, _Hogan Vetoes Immigration, Parole Reform Bills_, MARYLAND MATTERS (May 26, 2021), https://www.marylandmatters.org/2021/05/26/hogan-vetoes-immigration-parole-reform-bills/.


230 Id.

231 Id.
officials to override Governor Hogan’s veto of HB 16.\textsuperscript{232} On December 7, 2021, the Maryland legislature did so, immediately bringing HB 16 into effect.\textsuperscript{233} 

May 2022 International Workers’ Day action. Banner reads: “DIGNIDAD NO DETENCIONES, la marcha del inmigrante [DIGNITY NOT DETENTION, immigrants’ march]” | Photo credit: CASA MD

\textsuperscript{232} HCCIJ, (“We will override the governor’s veto”), \url{https://howardcountyimmigrantjustice.org/}; tweet from Maryland Delegate Vaughn Stewart (May 26, 2021) (“I look forward to the General Assembly overriding this veto next session.”), \url{https://twitter.com/DelegateStewart/status/1397649986261505177?s=20}; \textit{CASA Calls on Democrats to Override Hogan’s Veto of Immigrant Bills Ahead of Special Session}, CASA, Press Release (Dec. 3, 2021), \url{https://wearecasa.org/casa-calls-on-democrats-to-override-hogans-veto-of-immigrant-bills-ahead-of-special-session/} (“We are counting on the legislature to override the vetoes of a governor well-known for his xenophobic policies. The Dignity Not Detention and Maryland Driver Privacy Acts will revolutionize the way the state upholds the immigrant community.”).

(6) OREGON

No immigrants are currently detained in Oregon jails or prisons on civil immigration charges. However, until relatively recently, ICE detained immigrants at three jails in Oregon: Northern Oregon Regional Correctional Facility (NORCOR), a regional jail in The Dalles, Springfield Municipal Jail (Springfield), and Josephine County Jail (Josephine). Historically, ICE also detained people at Umatilla, Jackson, Klamath, and Columbia County jails.

Ending Oregon Jails’ ICE Contracts

Oregon has the oldest state-wide sanctuary law in the United States, since the state enacted a provision in 1987 that prohibits local police from enforcing federal immigration policy and limited collaboration with ICE.234 However, the statute left significant room for interpretation in favor of some cooperation between local LEAs and ICE, which was extensive in practice. Because the statute was found not to have an implied cause of action, advocates struggled to get the courts to weigh in, allowing local agency interpretations to go forward. The sanctuary statute did not stop ICE from targeting, detaining, and deporting immigrants in Oregon, often with cooperation and information sharing with local law enforcement agencies. Directly impacted people and community groups organized for years in order to cancel ICE contracts across the state, with a recent focus on Josephine and, especially, NORCOR. In addition to those two immigration jails, Columbia County stopped detaining immigrants in 2014, after an Oregon federal judge ruled that ICE detainers were not a legitimate reason to keep people in jail.235

Because most immigrants detained in Oregon were historically held at NORCOR, it was a focus of much of the organizing to cancel ICE contracts in the state. NORCOR is a regional jail operated by four Oregon counties: Hood River, Wasco, Gilliam and Sherman. The jail relied heavily on revenue from immigration detention. By 2017, profits from “outside use,” including ICE contracts, made up an estimated half of the jail’s budget.236 Rural Organizing Project and organizations in its network, including Gorge ICE Resistance and NORCOR Community Resources Coalition, played a central role in organizing to cut NORCOR’s ICE contract. Member organizations of Gorge ICE Resistance include: Gorge Ecumenical Ministries, Somos Uno, Hood River Latino Network, Mid-Columbia Community Action Network, Gorge ReSisters, Community Action Network, Grassroots IMPACT, and Protect Oregon’s Progress.237

Approximately 7 people detained at NORCOR went on hunger strike in May 2017 to protest abhorrent conditions at the jail and to demand an end to the ICE contract.238 This hunger

235 Id.
236 Id.
strike was directly related to a massive, 750-person hunger strike at Northwest Detention Center (NWDC) in Tacoma, WA, since some NWDC hunger strikers had been subjected to retaliatory transfer to NORCOR.\textsuperscript{239} One of the hunger strikers explained the impetus for the strike: “We’re hunger striking for our basic needs to be met. This is our only power right now, our only option to be heard. It shouldn’t have to come to this; that we have to starve ourselves in the name of decency. But it is.”\textsuperscript{240}

Immigrants’ rights groups including Rural Organizing Project, PCUN (Pineros y Campesinos Unidos del Noroeste), Causa, Voz Workers’ Rights Education Project, APANO (Asian Pacific American Network of Oregon), ACLU of Oregon, Unite Oregon, OPAL Environmental Justice Oregon, Interfaith Movement for Immigrant Justice, and American Friends Service Committee mobilized in support. The coalition called on members to take direct action at NORCOR in solidarity with hunger strikers and make calls to local elected officials including Oregon’s state Attorney General Ellen Rosenblum and Governor Kate Brown.\textsuperscript{241} Gorge ICE Resistance and Rural Organizing Project also began to hold daily solidarity rallies outside of NORCOR, published daily press releases, prepped media spokespeople, set up a visitation program and a phone line, and organized a call for donations to put into strikers’ phone accounts so they

\textsuperscript{239} Id.
\textsuperscript{241} Id.
could keep organizers, their families, and their lawyers updated. 242 Rosanna Schneider, an organizer with Gorge ICE Resistance, explained the stakes of this work:

It is definitely heartbreaking to know that my tax dollars as a property owner and as a general citizen in this city, in this county and this state, are going to [ICE]. It is really vital that we inform people and have access to these decisions, and to remind them that there are people at the end of this. 243

People in detention at NORCOR organized a second hunger strike in November 2017, with at least 19 participants demanding nutritious meals, family visitation, cheaper phone calls, cheaper commissary for hygiene products and food, and access to a stocked library and recreation yard. 244 Hunger strikers faced retaliation from ICE and jail officials, who moved strikers into a separate, isolated unit, confiscated their commissary items, and transferred some people to other immigration jails. 245 Over 100 community members rallied outside the jail in support, and after four days, hunger strikers paused the strike following commitments from ICE and NORCOR to meet many of their demands, including providing milk five times a week, two hot meals on weekends, the opportunity to wear warmer clothing and shoes (since NORCOR only issued scrubs and sandals), 3 hours of free video-conferencing a month, improved library options that include books in Spanish, access to outdoor yard space, access to medical care by doctors, and the transfer of some of the hunger strikers back to NWDC. 246

Organizers and immigrants’ rights groups including Rural Organizing Project, Oregon Law Center, Innovation Law Lab, and the ACLU collaborated to bring multiple lawsuits against the jail. In July 2017, a group of local Wasco County residents filed a lawsuit against NORCOR, arguing that multiple jail practices and policies in collaboration with ICE, including its detention contract, violated Oregon’s 1987 sanctuary law. 247 In December 2017, someone detained at the jail brought another lawsuit against NORCOR, arguing that his detention violated his constitutional rights. 248 The latter case settled in April 2018, with NORCOR committing to end its policy of accepting immigration detainers. 249 Following oral argument in the NORCOR sanctuary lawsuit, a judge ruled that the case could proceed to a ruling on the merits; the plaintiffs ultimately

243 Zuhl, supra note 237.
245 Immigrants on Hunger Strike Retaliated Against in Rural Jail, RURAL ORGANIZING PROJECT, supra note 244.
lost on their immigration detention claim in February 2019. The Wasco County circuit judge in the case held that NORCOR had not violated the sanctuary law, because it was detaining immigrants but not “apprehending, arresting, or seizing” them (since ICE had already arrested and/or detained them). While this decision represented a setback for people in immigration detention in Oregon, the organizing continued.

May 1, 2018 marked the one-year anniversary of daily rallies outside NORCOR; over 300 people joined for a commemorative action outside the jail to mark the 366th consecutive rally. Momentum continued to build in summer 2018. In June 2018, community members in Springfield successfully pushed their City Council members to cut the city’s ICE contract. Organizers held a rally outside the city hall before the vote. During the meeting itself, over 250 people attended in support and dozens of people spoke, with over 90 minutes of courageous public testimony, including from multiple directly impacted and undocumented people. Following this testimony, the Springfield City Council voted unanimously to end the ICE contract.

Organizers also held a Rural Week of Action to demand an end to detention and deportation. Josephine County ended its ICE contract in 2018 after a successful organizing push. The administrator of NORCOR responsible for expanding the jail’s four-county ICE contract submitted a letter of resignation. Occupy ICE PDX shut down Portland’s ICE office and held vigil there for over ten days. After the news broke that ICE had begun detaining 123 immigrants and asylum seekers at Sheridan federal prison in Yamhill County as of May 2018, over 700 people gathered outside the prison with Christian and Sikh faith leaders, in solidarity with the people inside.

---

250 While the plaintiffs lost the claim that their detention itself violated the sanctuary statute, they brought multiple other successful claims relating to NORCOR’s cooperation with ICE. Both parties appealed, but with the passage of the Sanctuary Promise Act (see below), Conrad Wilson, Judge Rules Oregon Jail’s Contract With ICE Does Not Violate Sanctuary Law, OPB (Feb. 8, 2019), https://www.opb.org/news/article/norcor-oregon-sanctuary-law-judge-ruling.

251 Id.


256 Id.


258 Rural Oregonians Resist Detention & Deportation!, RURAL ORGANIZING PROJECT, supra note 254.

259 Id.

260 Id.
Community mobilization, August 2020, in Bend, OR to interrupt ICE transfer | Photo credits: Rural Organizing Project; Nicole Vulcan / Source Weekly
Impacted community members and organizers held a seven-day march from Sheridan to The Dalles in October 2018 to call for the abolition of immigration detention in Oregon.261 Solea Kabakov, an organizer with Gorge ICE Resistance, affirmed: “We march for the freedom of our brothers and sisters seeking asylum imprisoned by ICE at the Sheridan federal prison and for those held at the NORCOR jail.”262 As a result of sustained movement pressure, in November 2018 ICE ended the use of Sheridan, along with four other federal prisons, for immigration detention.263

In August 2020, organizers and directly impacted communities successfully ended NORCOR’s ICE contract. On August 12, 2020, over 1,000 community members intervened in an attempt to stop ICE from transporting multiple detained community members who were being held on a transport bus, ultimately delaying the transfer for over ten hours.264 Organizers held an ad-hoc press conference, mobilizing two city councilors, two parks and recreation board members, and Deschutes County District Attorney to speak to the crowd.265 Late that night, federal agents responded with disproportionate force, firing tear gas and munitions into the crowd and physically assaulting some protesters.266 Innovation Law Lab and Latino Network filed an emergency motion in federal court before the Central District of Oregon to prevent DHS from transporting the two men detained during the ICE raid outside of the court’s jurisdiction.267 In an update, Rural Organizing Project emphasized the power of this spontaneous direct action: “Two nights ago, Central Oregon demonstrated our shared values as Oregonians who care deeply about our fiercely interdependent communities and the dignity of every single person who calls our state home.”268

Organizers connected the outpouring of community solidarity to the movement victory several days later, when NORCOR’s Board of Directors voted unanimously in support of ending

262 Id.
268 ICE Out of Central Oregon, RURAL ORGANIZING PROJECT, supra note 264.
the jail’s ICE contracts.269 By August 21, 2020, no immigrants were detained at NORCOR.270 In response to this victory, Rural Organizing Project affirmed:

While this is not the end of our movement to dismantle systems of detention and deportation across our state and our country, we see today that when we rise up, we will win! Now we turn our work to #FreeThemAll towards the GEO Group’s private Northwest Detention Center in Tacoma, where confirmed cases of COVID-19 are growing by the day.271

**Successful Passage of Oregon’s Sanctuary Promise Act**

In June 2021, Oregon passed HB 3265, the Sanctuary Promise Act.272 Governor Brown signed the bill on July 19, 2021; the law went into effect immediately.273 Immigrants’ rights groups collaborated to draft the legislation to close loopholes in Oregon’s 30-year-old sanctuary law that allowed for local and state resources to be used for federal immigration enforcement. Specifically, the Sanctuary Promise Act bans all public entities, including local jails, from working with ICE; bans ICE from detaining community members in and around courthouses, or while in transit to or from them, without a judicial warrant; creates a private right of action for any Oregon community member to sue local law enforcement agencies for collaborating with ICE; and prevents racial profiling in jails by prohibiting a previously widespread practice of asking detainees about their

---

269 Victory! ICE is Out of NORCOR!, Rural Organizing Project, supra note 242.
271 Victory! ICE is Out of NORCOR!, Rural Organizing Project, supra note 242.
273 Id.
country of birth and then providing that information to ICE.\textsuperscript{274} The bill also prohibits private immigration detention facilities from operating in the state and prohibits public entities from contracting with federal law enforcement to hold individuals in immigration custody in local jails. Lastly, the bill requires any public entity that is contacted by ICE to report that information to a state agency that publishes those reports online, and created a hotline at the state Department of Justice, where community members could report suspected violations of Oregon’s sanctuary protections. The hotline, which launched in April 2022, is staffed with investigators and culturally responsive and trauma-informed advocates.\textsuperscript{275}

These legislative wins are the product of extensive organizing by people in detention and communities working in solidarity with them. Impacted community members and advocates


continued to build power, write op-eds,\textsuperscript{276} give public testimony,\textsuperscript{277} and take legal action against ICE and NORCOR.\textsuperscript{278} Although civil immigration detention has ended in Oregon, some advocates have expressed concerns that federal law enforcement may be using criminal detention for 8 U.S.C. § 1325 (improper entry provision authorizing detention for up to 6 months for the first offense and up to 2 years for a second time) and § 1326 (criminal re-entry provision authorizing detention for up to 20 years) charges as a way to continue detaining community members at local jails.\textsuperscript{279}

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{protest-signs.png}
\caption{Protest signs left after community mobilization in Bend, OR to interrupt the deportations of two community members. Signs include: “STOP STEALING OUR COMMUNITY” | Photo credit: Nicole Vulcan / Source Weekly}
\end{figure}

\begin{flushleft}
\textsuperscript{276} Isidro Andrade-Tafolla, \textit{OPINION: Oregon can strengthen sanctuary protections}, \textsc{Hillboro News Times} (May 7, 2021), \url{https://pamplinmedia.com/ht/118-hillsboro-tribune-opinion/507741-406225-opinion-oregon-can-strengthen-sanctuary-protections}.
\end{flushleft}

\begin{flushleft}
\end{flushleft}

\begin{flushleft}
\textsuperscript{278} Cole Goodwin, \textit{Sanctuary Promise Act Signed into Law, NORCOR ICE Lawsuit Declared Moot}, \textsc{News Columbia Community Connection} (Sept. 7, 2021), \url{https://columbiacommunityconnection.com/the-dalles/sanctuary-promise-act-signed-into-law-norcor-ice-lawsuit-declared-moot}.
\end{flushleft}

\begin{flushleft}
\textsuperscript{279} Email from Leland Baxter-Neal, Director of Advocacy, Latino Network (June 15, 2022).
\end{flushleft}
II. States with Introduced Anti-Detention Bills: NY

New York one of three states to have introduced legislation to limit immigration detention. The other two states, New Mexico and Wisconsin, are not covered in this report but have their own rich organizing histories. This section focuses on New York, which has a deep history of immigrants’ rights organizing in solidarity with impacted communities. Since so many New Yorkers have historically been detained in New Jersey, people in detention and organizers on the outside have built powerful coalitions to call for releases and jail closures in both states. People detained in New York immigration jails—particularly Batavia Service Processing Center in Buffalo, NY, Orange County Correctional Facility in Goshen, NY, and Rensselaer County Jail in Troy, NY—have been organizing themselves and their communities for years to protest deplorable conditions and rights violations at these jails. Following New Jersey’s passage of anti-detention legislation in 2021, many people have been transferred from New Jersey to immigration jails in New York.

Immigrants’ rights advocates are calling on their state legislators to follow the lead of New Jersey, Maryland, Illinois, Washington, California, and Oregon by passing New York’s bill, SB 7099A. The legislation would ban all future ICE contracts with state and local entities as well as private corporations and would require termination of current contracts within 90 days of coming into effect. SB 7099A would also close several loopholes in other states’ Dignity Not Detention laws that ICE and private prison corporations have been trying to exploit, including by prohibiting zoning agreements and issuing permits for new construction; converting existing structures into detention centers; or accepting subsidies for detaining immigrants.

(7) NEW YORK

ICE operates or has contracts with five detention centers and county jails in New York: Buffalo (Batavia) Service Processing Center (Buffalo), Chautauqua County Jail, Clinton County Jail, Orange County Correctional Facility (Orange), Rensselaer County Jail (Rensselaer).

Movement Organizing in New York as Groundwork for Dignity Not Detention

280 New Mexico introduced HB 40, the Private Detention Facility Moratorium Act, in 2021. HB 40 would have enacted a moratorium on all private detention (both criminal and civil), removed authorization to enter into contracts with independent contractors, recommended termination of some jail contracts, and prohibited public funding of private detention facilities. House Bill 40, New Mexico State Legis. (2021 Sess.), https://www.nmlegis.gov/Sessions/21%20Regular/bills/house/HB0040.pdf; see also PEOPLE OVER PRISONS NEW MEXICO, https://www.popnm.org/.


282 Detention Facilities, ICE, supra note 1.

Impacted communities in New York have been organizing for releases and jail closures for many years, utilizing an expansive range of direct action, advocacy, and policy tactics to build power. Historically, many immigrants from New York were detained in New Jersey, so much of the organizing to support their release happened through coalitions working together to close jails and end immigration jails in both states. This section does not repeat the material covered above in the section on New Jersey. Instead, it focuses on organizing to close New York immigration jails.

283 Abolish ICE NY-NJ, NYSYL C, supra note 148.
People in detention in New York have engaged in courageous direct action to protest the conditions and violations to which they are being subjected. For instance, people in detention have organized hunger strikes, despite facing retaliation by ICE and jail officials, at Buffalo (April 2020; January 2021; March 2021) and Orange (February 2021).\textsuperscript{284} Impacted communities and immigrants’ rights groups have organized countless actions in the last several years, including protests and marches,\textsuperscript{285} weekly phone zaps,\textsuperscript{286} and vigils.\textsuperscript{287} Actions outside of jails have been particularly powerful expressions of solidarity with people in detention, including at Buffalo,\textsuperscript{288} Rensselaer,\textsuperscript{289} and Orange.\textsuperscript{290} As just one example, organizers protested outside Rensselaer in October 2021 to demand the release of Ms. Q, who was detained at five different New York immigration jails and subjected to violations including physical assault and medical neglect, and to call for the passage of New York’s Dignity Not Detention legislation.\textsuperscript{291} Ms. Q was released


\textsuperscript{286} Abolish ICE NY-NJ, @abolishICE_nynj, Twitter, including https://twitter.com/abolishICE_nynj/status/141827096518484378.


\textsuperscript{290} MEDIA ADVISORY: Car Rally Tomorrow to Demand Immediate Releases From ICE Detention Center in Goshen, NY, FREEDOM FOR IMMIGRANTS (Feb. 11, 2022), https://www.freedomforimmigrants.org/news/nyandcar-rally-at-orange-county-jail.

\textsuperscript{291} Massarah Mikati, She’s been detained at five New York jails. Rensselaer County’s, she says, is the worst., TIMES UNION (Oct. 15, 2021), https://www.timesunion.com/news/article/She-s-been-detained-at-five-New-York-jails-16536616.php; Dan Levy, Ralliers say jailed immigrants in Rensselaer County are treated unfairly, WNYT (Oct.
and has continued to be a strong supporter of Dignity Not Detention, including by speaking at state and local-level events in support of the legislation.\footnote{292}

\textbf{Building Momentum for New York Dignity Not Detention Legislation: SB 7099A}

New York’s Dignity Not Detention legislation, SB 7099A, was drafted by the NYU Law Immigrant Rights Clinic in partnership with the Abolish ICE NY-NJ Coalition. The bill was introduced in April 2021 and would go further than any other anti-detention legislation in its prohibitions on the different facets of public and private immigration detention.\footnote{293}

SB 7099A would ban state, county, and municipal government actors from entering into or renewing any immigration detention agreement, or receiving any payment related to detaining immigrants.\footnote{294} A section devoted to private entities would specifically prohibit state, county, and municipal actors from entering into any new private detention contracts; paying, subsidizing, or receiving payments related to private immigration detention; and approving zoning or issuing permits for construction or conversion of any structure for immigration detention.\footnote{295} The bill would also require government actors to terminate existing detention contracts within 90 days of the law taking effect, and contains a supremacy clause so that its provisions govern “in any dispute\footnote{296}
over an immigration agreement with the state.”296 Community members and advocates have built significant support and momentum behind the legislation, including through a joint letter of support297 from 93 organizations as of May 2022, a letter of support from NYIFUP,298 a May 18, 2021 press conference,299 and positive media coverage.300

Mounting Pressure to Close New York Jails and Pass Dignity Not Detention

Given the high number of ICE transfers from New Jersey and reports of extreme violations at the jail, Orange has become an epicenter of organizing to shut down immigration detention in New York. People in detention at Orange went on hunger strike in February 2022 to protest racist abuse and discrimination by guards, disproportionate use of force, retaliation, medical neglect, inedible food, and other terrible conditions.301 Six immigrants’ rights groups filed a civil rights complaint to the DHS Office of Civil Rights and Civil Liberties filed in mid-February 2022.302 In late February 2022, the New York City Council’s Committee on Immigration held a hearing on COVID-19 in immigration detention in New York, with over six hours of testimony, focused largely on violations at Orange, from directly impacted communities, organizers, and advocates.303

296 Id. art. 29 § 900(2)-(3).
299 Speakers for the event included Rogelio, who was formerly detained at the Orange County Jail; advocates from the Queer Detainee Empowerment Project, Freedom for Immigrants; immigration defense attorneys; and New York State Senator Jessica Ramos and Assembly Member Karines Reyes, who are co-sponsors of the bill. Abolish ICE NY-NJ Coalition, #DignityNotDetention Press Conference (May 28, 2021), https://mobile.twitter.com/abolishICE_nynj/status/1394655464957350801; full recording https://www.mediasanctuary.org/stories/2021/ny-dignity-not-detention-act-full-press-conference/.
302 DHS Office of Civil Rights and Civil Liberties Complaint Re: Racist and Retaliatory Abuse, Violence, and Medical Neglect Endured by Individuals Detained at Orange County Correctional Facility, ENVISION FREEDOM FUND, FOR THE MANY, FREEDOM FOR IMMIGRANTS, CATHOLIC CHARITIES, NYU IMMIGRANT RIGHTS CLINIC & NEW YORK LAWYERS FOR THE PUBLIC INTEREST (Feb. 17, 2022), bit.ly/OCRFComplaint.
2022 car rally outside OCCF in Goshen, NY. Signs on cars include: “#CloseOCJ”; “#CLOSE OCJ!”; “FREE THEM ALL” | Photo credit: Mitchell Harris and Freedom for Immigrants
In response to increasing scrutiny, ICE moved two of the officers out of the immigration unit in February 2022 but has allowed them to continue working in the criminal unit of the jail and has maintained that their removal was “standard procedure” rather than an admission of wrongdoing.304

Pressure has continued to build. In March 2022, the New York City Council passed Resolution 0066-2022, calling on New York state to end ICE contracts.305 The Abolish ICE NY-NJ Coalition has coordinated multiple lobbying days for New York Dignity Not Detention with state legislators in Albany, including in March and May 2022, as well as a legislative roundtable in March 2022.306 The six immigrants’ rights groups filed a supplement to their civil rights complaint in April 2022, reporting disturbing retaliation against hunger strikers, disproportionate use of force, and other ongoing violations at Orange, and calling on DHS to undertake a formal investigation into Orange, close the jail, and release everyone detained there.307

304 See Venugopal, supra note 301 (quoting Orange County Undersheriff Ken Jones).
305 Resolution 0066-2022, New York City Council (Mar. 10, 2022),
306 See live recording of the March 2022 legislative roundtable by Assembly Member Catalina Cruz (Mar. 2, 2022),
https://www.facebook.com/CatalinaCruzNY/videos/441312894350087/.
III. States without Introduced Bills—But with Closures, Contract Cuts, or Other Wins: GA, MA, LA, AL, FL, NC

For many years, people in detention and movements in solidarity with them have been organizing to resist detention and push for immigration jail closures in states with political obstacles to passing legislation. These states, primarily in the U.S. South, have conservative-controlled state legislatures and/or conservative state governors, making legislative strategies for limiting immigration detention less feasible in the near term. As the immigrant rights movement continues to pass anti-detention legislation and cut ICE contracts in other parts of the country, detention is being increasingly concentrated in the South given the more favorable political attitudes of states and localities toward immigration detention. Large numbers of people in detention are being transferred by ICE to immigration jails in the region, and to Louisiana, Georgia, and Texas in particular. ICE and private contractors such as GEO Group, CoreCivic, and LaSalle Corrections are working to sign new contracts and expand detention in the South.

Concentrating immigration detention in the South is strategic for ICE and private detention companies. Immigrants in detention in the South are “among the most isolated in the country” due to minimal resources and limited public scrutiny. 308 States and localities in the region charge some of the lowest “per bed” rates nationally, so ICE saves money, while people in detention in these jails endure unsafe and degrading conditions. 309 These dynamics are an extension of the South’s long history of carceral control of Black people and other people of color, from chain gangs to convict leasing. 310

Because of the lack of political will among state-level elected officials, organizing in these states has taken other shapes: powerful direct action by people in detention and communities on the outside; intensive media work and investigative reporting; and civil rights and human rights advocacy to Congress, DHS, and the Inter-American Commission on Human Rights. Communities have forced DHS and the U.S. Congress to take action. They have cut ICE contracts at Irwin County Detention Center in Georgia, Atlanta City Detention Center in Georgia, Etowah County Detention Center in Alabama, and Bristol (C. Carlos Carreiro Immigration Detention Center) in Massachusetts. They have limited immigration detention space at Glades County Detention Center in Florida, Winn Correctional Center in Louisiana, and Alamance County Detention Facility in North Carolina. These important victories demonstrate that a wide range of tactics can be successful in building power to abolish immigration detention, even when state legislation is not yet a viable option.

309 Id.
310 Id.
(8) GEORGIA

Georgia currently has three dedicated ICE immigration jails: Stewart Detention Center (Stewart), Robert A. Deyton Detention Facility, and Folkston ICE Processing Center (Folkston). As discussed below, DHS closed Irwin County Detention Center (Irwin) in May 2021. This decision came months after survivors of involuntary sterilization and other egregious human rights abuses at the jail came forward with their experiences, lending new momentum to years-long grassroots efforts. Despite powerful movement victories, ICE and private contractors CoreCivic and GEO Group have remained committed to expanding immigration detention in Georgia, most recently by trying to expand Folkston to make it the country’s largest immigration jail.

Conditions in Georgia immigration detention centers are among the worst in the country, including rampant physical, sexual, and psychological abuse and inadequate medical care, among other serious human rights violations. Impacted communities and immigrants’ rights groups have been organizing in Georgia to resist detention and push for closures for many years. The organizations pushing for jail closures in Georgia include: Project South, Georgia Detention Watch, Somos South Georgia, El Refugio, Georgia Latino Alliance for Human Rights, Asian Americans Advancing Justice, BAJI, Casa Alterna, Community Estrella, Detention Watch Network, GA Families Unidas, Georgia Reform Coalition, ICE Breakers, Malaya Movement-Georgia, Migrant Equity Southeast, Poder Latinx, PSL Atlanta, Women Watch Afrika, Resurgens Collective, and Sur Legal Collaborative.

311 Detention Facilities, ICE, supra note 1.
Incomplete Movement Victory in Atlanta City Jail Shutdown Fight

In 2018, forty community groups including the Black Alliance for Just Immigration, Project South, El Refugio, Georgia Detention Watch, and Women On the Rise came together to launch the Communities Not Cages Campaign. This campaign’s central goals were to close the Atlanta City Detention Center (ACDC); reallocate its $32.5 million annual operations budget; and repurpose the facility into a Center for Wellness and Freedom.316 This facility was a jail used to cage immigrants, through an ICE contract, but also marginalized people, including unhoused people and poor people unable to pay court fines and fees.

As a result of intense organizing, on September 6, 2018 the city council voted to end the ACDC contract.\(^{317}\) In 2019 the city created a task force to decide what to do with the jail post-closure; community groups were part of this task force. On May 20, 2019, Atlanta successfully passed an ordinance to convert the jail to a community resource center, representing a powerful victory for abolitionist movements.\(^{318}\) The ordinance also created another task force to determine how to move forward post-closure. This task force, which included community representatives as well as ACDC’s warden, Patrick Labat, met five times between July 2019 and February 2020 before being indefinitely suspended due to COVID-19.\(^{319}\)

In 2020, thirteen community organizations sent a letter to the Atlanta Mayor and City Council demanding that they cut the jail’s remaining $18 million budget for FY21 and announce a date for the jail’s closure:

> It is time to end the cruel, unnecessary, and unhelpful incarceration of all human beings at ACDC. The city’s commitment to close and repurpose the jail cannot be reconciled with allocating millions of dollars to its operation in the coming year. At a time of public health crisis and a loss of millions in the City’s revenue, it is unconscionable for the City of Atlanta to spend $18 million to continue to operate a jail that sits mostly empty and is already slated for closure and repurposing.\(^{320}\)

The ACDC ICE contract win is significant but qualified. Over two years after the May 2019 ordinance passed, Atlanta’s city council has yet to move forward with repurposing the jail. Some groups behind in the original organizing to end the ICE contract, including Women On the Rise, are still involved and committed to seeing the process through. Still, the initiative has opponents who retain considerable political power, including former ACDC warden Labat. While on the task force, Labat was the strongest voice of opposition to ACDC’s closing; now Fulton County’s sheriff, his opposition continues.\(^{321}\)

Additionally, as soon as the city of Atlanta terminated its contract with ICE, the agency signed a new contract with Clayton County, Georgia, about thirty minutes south of Atlanta.\(^{322}\) The


\(^{321}\) EH call with Amilcar Valencia (July 8, 2021).

contract is between the county (which owns the jail), ICE, the U.S. Marshals Service, and GEO Group. Given the recent federal district court decision holding that state legislation banning immigration detention contracts is unconstitutional as applied to the U.S. Marshals Service, this may be a pattern to watch. The story of the Atlanta city jail closure highlights how complex these shutdown fights are, and that movements need to be aware that an ICE contract’s formal cancellation is not the same as a guaranteed shutdown.

**Organizing Against Abuses at Stewart and Irwin**

Stewart, operated by CoreCivic, has long been notorious for abusive conditions and extensive use of solitary confinement against immigrants detained there. A 2017 federal investigation into conditions at Stewart and other immigration jails around the country confirmed these violations. In 2018, immigrants inside Stewart brought a lawsuit pursuing forced labor and trafficking claims against CoreCivic. An investigation in 2019 into the death of Efrain Romero de la Rosa, a man with schizophrenia who committed suicide after three weeks in solitary at Stewart, highlighted ICE’s rampant use of solitary confinement among people with mental illnesses. In 2019, people detained at Stewart filed a formal complaint with the DHS Office for Civil Rights and Civil Liberties, detailing violations that include: seventy-two people “disappeared” after a peaceful protest that was soon broken up in the yard of the detention center; lack of outdoor access for many days; and the use of indefinite detention. Other reports including a 2019 Congressional letter from Project South documented the use of rubber bullets and tear gas against immigrants protesting conditions at Stewart.

At the height of the COVID-19 pandemic, people detained by ICE at Stewart went on hunger strike to protest unsafe COVID protocols including ongoing transfers to the facility; lack of access to medical care; and insufficient food. In March 2020, 350 people detained at Stewart participated in a hunger strike, and on March 26, 2020 family members and supporters held a press conference to demand that Stewart be closed.

---

323 See note 50, supra: “[Judge] Sammartino pointed to explicit statutory language authorizing the U.S. Marshals to pursue such contracts as a basis for her ruling, while noting that no equivalent Congressional authority exists with respect to ICE’s power to detain individuals in civil immigration detention.” [IMMIGRANT DEFENSE PROJECT, AB 32 and the Future of Immigration Detention in California (Oct. 31, 2020), https://ild.org/ab-32-and-the-future-of-immigration-detention-in-california/].


conference urging their immediate release. In April 2020, CoreCivic’s “Special Operations Response Team” deployed twice, using pepper spray on detained people on both occasions. WNYC and The Intercept reported that CoreCivic officers bragged on social media about pepper-spraying detainees and joked about physically assaulting protestors.

Successful Irwin Shutdown After Extreme Violations; Ongoing Detention at Stewart

In September 2020, Dawn Wooten, a nurse at Irwin, blew the whistle on egregious medical abuse that had been taking place at Irwin. This abuse included forced sterilization disproportionately carried out against Black women. In partnership with women who survived forced sterilization and other abuse at Irwin, Project South and immigrant communities in Georgia mounted a powerful campaign to force the federal government to close Irwin. As part of this work, thirteen women in detention at Irwin brought Oldaker v. Johnson, a federal lawsuit on the basis of the medical abuse they endured at the jail; the case resulted in stays of removal for the named plaintiffs. In addition, federal agencies, including the FBI, Department of Justice, and DHS Office of the Inspector General, opened investigations into medical abuse at Irwin.

This movement has been intentional about rejecting the framing of Irwin as a “bad apple” or anomaly, and instead have centered Irwin within the larger context of immigration detention and anti-Blackness. On April 21, 2021, Project South and the University of Pennsylvania Transnational Legal Clinic submitted a request to the Inter-American Commission on Human Rights (IACHR) for a Thematic Hearing about U.S. immigration detention and violations of international law, focusing on privatized detention in Georgia. The request to the IACHR emphasized:

331 Project South’s “Enough Is Enough” page has a timeline and dozens of links to key events, media articles, and legal documents relating to Irwin. Enough Is Enough, PROJECT SOUTH, https://projectsouth.org/Enough-is-enough/?tType=EmailBlastContent&eld=06e3761b-323c-4643-b53c-631f74bb8b2a#. Note that Ms. Wooten is currently represented by Government Accountability Project.
332 Id.
334 NIP-NLG Practice Advisory, supra note 333.
Dawn Wooten speaking at September 2020 press conference on medical abuses at Irwin | Photo credits: Georgia Detention Watch. Use permission for top photo: Dawn Wooten
While Irwin serves as an important focal point for examining the ways in which the U.S. violates these rights through its system of immigrant detention, we intend to bring to this hearing a local, regional and national perspective in conjunction with other stakeholders, highlighting the need for the U.S. to take action to end privatized for-profit immigrant detention.336

By early May 2021, no immigrant women were being held at Irwin,337 and on May 20, 2021 DHS announced that it was cutting ICE’s Irwin contract.338 That same day, people directly impacted by the abuses at Irwin released a “Statement On True Liberation” demanding that people be released, not transferred, and calling for the abolition of all ICE detention.339 Nilson Barahona, one of the survivors, emphasized that DHS’ closure “announcement is long overdue. The fact is that [Irwin] should never have existed.”340 As Li Ann Estrella Sanchez, another survivor, affirmed:

We will not stop until all ICE prisons are shut down. This includes private detention centers and federally operated ICE prisons. We do not want to see an attempt at “reform” of the conditions in these places. ICE and the corporations funded by our tax money have previously tried reforming their practices and failed. People in ICE custody have died as a result . . . . It is not over until all detention centers are closed and all immigrants are liberated!341

Despite this monumental victory for the immigrants’ rights movement, ICE continued to transfer people into Irwin in May and June 2021; in the last week of May 2021, at least thirty-four people were transferred into the facility.342 And rather than immediately releasing all of the women still held at Irwin, ICE immediately began transferring them to Stewart, which, as described above, has its own history of egregious conditions and rampant abuse.343 In May 2021, El Refugio released a report on medical neglect and abuse at Stewart during the COVID-19 pandemic, calling

336 Id.
337 After years of advocacy, no immigrant women are currently detained at the Irwin County Detention Center, PROJECT SOUTH (May 5, 2021), https://projectsouth.org/after-years-of-advocacy-no-immigrant-women-are-currently-detained-at-the-irwin-county-detention-center/.
338 After years of advocacy, ICE announces it’s cutting the Irwin County Detention Center contract—a huge win for the immigrants’ rights community, PROJECT SOUTH (May 20, 2021), https://projectsouth.org/ice-announces-its-cutting-the-irwin-county-detention-center-contract/.
339 Li Ann Estrella Sanchez, Nilson Barahona, & Andrea Manrique, Statement on True Liberation from Directly Impacted Individuals Regarding DHS Decision to End ICE Contract with Lasalle Corrections/ICDC, (May 20, 2021), https://drive.google.com/file/d/15ht6lNrkxqMZh7gTTR4r8_E5e7aulf/vi
340 Id. at 2.
341 Id. at 1.
for the release of everyone detained there and the closure of Stewart and all other immigration
jails.\textsuperscript{344} Stewart holds the largest number of immigrants as of Fiscal Year 2022.\textsuperscript{345} Stewart is also
the deadliest detention center in the United States, with eight deaths, including four COVID-19-
related deaths, from 2017 to 2021.\textsuperscript{346}

On June 28, 2021, the Inter-American Commission on Human Rights heard testimony from
survivors of medical abuse and other human rights violations while detained at Irwin. The IACHR
affirmed that the abuses at Irwin and other U.S. detention centers amount to torture and cruel and
inhuman treatment, carrying the obligation for reparations under international law.\textsuperscript{347}

Wendy Dowe, one of these survivors, spoke about the harm she endured and her
commitment to fighting for accountability: “I suffered from physical and mental abuse that I still
feel today. I’m speaking out for it [to] stop, so the next mother and the next woman won’t have to
go through the same thing.”\textsuperscript{348} Lourdes, another survivor, stated: “I am proud of the success of
closing this slaughterhouse. I am still asking for justice for the damage that they did to hurt me.
Women were deported after being operated on unnecessarily. I also ask for justice for them.”\textsuperscript{349}
Andrea, another woman who had been detained at Irwin, explained that the movement’s work is
not over: “This is the first step to the closure of all ICE detentions, since these places should never
have existed. This closure is clear proof that their existence is totally unnecessary, unjust, and
against the fundamental rights of the immigrant.”\textsuperscript{350}

**Ongoing Community Resistance to Expansion of Folkston**

Georgia has long had many of the largest immigration jails in the country. Stewart—as well as Irwin, before it was shut down—has a capacity of over 1,700 beds. Following Irwin’s
shutdown, ICE has shifted its focus to Folkston, attempting to expand detention capacity there to
1,800 beds.\textsuperscript{351} This expansion would make Folkston the largest immigration jail in the country.
The Folkston Anti-Expansion Coalition, composed of over twenty immigrants’ rights
organizations, is organizing in resistance to the proposed expansion. As Nilson Barahona, who

\textsuperscript{344} Cage of Fear: Medical Neglect and Abuse in Stewart Detention Center During the COVID-19 Pandemic, El
Refugio, 3 (May 2021), https://www.elrefugiostewart.org/wp-
content/uploads/2021/05/CageOfFear_FINAL_English.pdf.
\textsuperscript{345} Immigration Detention Quick Facts, TRAC (Data current as of May 7, 2022),
https://trac.syr.edu/immigration/quickfacts/.
\textsuperscript{346} José Olivares, ICE Review of Immigrant’s Suicide Finds Falsified Documents, Neglect, and Improper
suicide-corecivic/.
\textsuperscript{347} Shahshahani & Sarah Paoletti, supra note 343.
\textsuperscript{348} Azadeh Shahshahani & Sarah Paoletti, ICE detention has now been referred to as ‘torture’ — the US
government will surely have to pay reparations, THE INDEPENDENT (June 28, 2021),
https://www.independent.co.uk/voices/ice-detention-torture-reparations-b1874387.html (quoting Wendy Dowe).
\textsuperscript{349} ICE Terminating Contract with Irwin County Detention Center: Survivors of medical and gynecological abuse
commend Biden administration’s decision to sever its contract with privately-run ICE facility in Ocilla, Georgia, but
say the work is not done, NATIONAL IMMIGRATION PROJECT OF THE NATIONAL LAWYERS GUILD, Press Release (May
\textsuperscript{350} Id. (quoting Andrea).
\textsuperscript{351} See FOLKSTON ANTI-EXPANSION COALITION, Press Release, supra note 315.
was held in ICE detention in Georgia for 13 months and who later founded ICE Breakers, emphasizes:

After all the suffering we have endured in Georgia with [Irwin], and continue to endure at Stewart and [Folkston], immigrant incarceration is expanding. We still have open wounds. months before finally being released. These expansion plans ignore the reports of abuse, inhumane conditions, and [Biden]’s own words saying that private prisons ‘should not exist.’ Not only do private prisons continue to operate, but they are expanding these concentration camps. This is a shame the community will not allow.”

Impacted communities continue to organize for the closure of all Georgia immigration jails, including through hunger strikes by people in detention and community rallies and protests by organizers on the outside.353

352 Id.
ICE currently operates one immigration jail in Massachusetts, Plymouth County Correctional Facility (Plymouth), following successful shutdown fights and contract cuts at Bristol County Detention Center (Bristol), Franklin County House of Correction (Franklin), and Suffolk County House of Corrections (Suffolk).354

**Movement Victories: ICE Contract Cuts for Bristol, Suffolk, and Franklin**

Communities in Massachusetts have escalated organizing against ICE detention in the state since 2018. While Bristol has been a central target of this organizing, communities have also successfully cut ICE contracts at Suffolk in 2019 and Franklin in 2021.355

In July 2018, at least sixty immigrants in detention at Bristol launched a hunger strike, protesting “nearly nonexistent medical care, inedible food, abuse from facility employees, and exorbitant commissary prices.”356 Within one week over one hundred incarcerated people in the general population unit at the jail joined in solidarity.357 To support the hunger strikers, the FANG Collective (a community organizing and direct action group based out of Rhode Island) launched a Shut Down ICE Campaign in Bristol County.

As part of the campaign’s launch, FANG Collective organized a nonviolent direct action at Bristol that blockaded entrances to the facility, shutting it down for several hours.358 Protesters displayed banners and erected two twenty-four-foot tripods at one entrance, and at the other entrance two people locked their bodies to a concrete blockade to shut off vehicle access to the jail.359 Sherrie Anne Andre, one of the protesters and FANG co-founder, affirmed: “As an indigenous person of color it’s my responsibility to continue to fight for the safety of my community members. This is just one prison in a long line of many that shouldn’t exist.”360 Following arrests at this action, two protesters were sentenced to ten days at Bristol in 2019; Andre was incarcerated for thirty days at Bristol in 2020.361

---

354 Detention Facilities, ICE, supra note 1.
359 Id.
360 Id.
In February 2019, approximately 70 people in detention at Suffolk launched a hunger strike, in protest of abusive and inhumane conditions including the failure to address grievances, mistreatment and verbal abuse by guards, inedible food, insufficient access to bathrooms, and lack of hot water in sinks. ICE responded by subjecting at least people to solitary confinement in retaliation for participating in the hunger strike. Community groups including FANG Collective organized a noise demonstration with dozens of people outside Suffolk to support hunger strikers. Demonstrators blasted music, banged drums, and chanted: “You are not alone,” “Let them go free,” and “Brick by brick, wall by wall, this whole system’s got to fall.”

In April 2019, two protesters from FANG Collective were arrested as part of an action to disrupt a public meeting with ICE and Bristol County Sheriff’s Office. They carried a banner that read “Bristol County End Your Agreements with ICE”; six officers forcibly arrested the demonstrators using pain compliance tactics. Max, one of the arrestees at the action, explained: “I am acting in support of the leadership of undocumented people here in Bristol County and

---


363 Id.


365 Id.
everywhere, who resist the everyday surveillance and brutality of the detention and deportation industrial complex.” Lee, the other arrestee, expanded on the goals of the action:366

All agreements between local law enforcement and ICE must end, as well as the detention and incarceration of our communities, if we want to truly end family separation. We must look beyond punitive measures and think critically about what community accountability could be if we ever want to end the cycles of violence that impact our most vulnerable communities.367

In July 2019, hundreds of protesters blocked streets in Boston during a rally to abolish ICE organized by Never Again Action (“a Jewish-led mobilization against the persecution, detention, and deportation of immigrants in the United States”368); eighteen people were arrested as part of this action.369 A statement from Never Again Action outlined the organizers’ demands: “Congress needs to shut down ICE immediately and ensure freedom and permanent protection for all undocumented immigrants, refugees, and asylum seekers. Until Congress steps up, we are making it impossible for ICE to do business as usual.”370

In October 2019, Suffolk County ended its contract with ICE, claiming that it wanted to “shift resources” to increase bed space for women detained on criminal charges or with criminal convictions.371 This decision followed extensive organizing and direct action by people detained at Suffolk and organizers in solidarity with them.

On May 1, 2020, in response to calls for COVID-19 protections by immigrants detained at Bristol, Sheriff’s Office employees led by Sheriff Thomas Hodgson indiscriminately used attack dogs, pepper spray, and pepper projectiles against detainees.372 In December 2020, the Civil Rights Division of the Massachusetts Attorney General published the results of an investigation into Bristol following the “incident” on May 1st.373 The investigation found numerous violations of

367 Id.
June 2019 FANG Collective rally outside Bristol. Signs include: “SHUT DOWN”; “FREE THEM ALL”; “ABOLISH ICE Fuck 287(g)” | Photo credit: Steve Ahlquist / UpriseRI.com
detained immigrants’ civil rights both during the attack and more generally, concluding that “[t]he myriad violations of law and policy described in this report pose a serious and ongoing risk of harm to the immigration detainees in custody at [Bristol].”

People detained at Bristol also brought a class action lawsuit against the jail in March 2020, resulting in a dramatic reduction in the number of people jailed there: from 148 to 7 people by the time the lawsuit settled in April 2021.

On May 20, 2021, DHS announced that ICE would cut the contract at the Bristol County Detention Center. In a Detention Watch Network press release, FANG co-founder Andre said:

---

374 Id. at 53.

---
While I am feeling a sense of relief and gratitude towards those who have relentlessly pushed for the dissolution of this ICE contract, I know that the relationships between ICE and Bristol County have been forged . . . [w]e need to continue to forge our own relationships with each other outside of these harmful systems to build a beautiful future for all of us.”

In the same press release, DWN Executive Director Silky Shah stated, “[W]hile we are celebrating this win, we know that this must be the first step of many, including ensuring that people are released and not transferred to other detention facilities when contracts are cut.” United We Dream echoed this demand in a statement about the closure of Irwin and Bristol:

Shutting down . . . Bristol County, only to transfer those held there into another, equally dangerous and punitive ICE facility, while simultaneously detaining more immigrants, is counter-productive to truly protecting our communities. The Biden administration must immediately release all immigrants from detention and permanently shut down all ICE and CBP facilities.

378 Id.
Louisiana has ten dedicated ICE immigration jails: Allen Parish Public Safety Complex, Bossier Parish Medium Security Facility, Jackson Parish Correctional Center (Jackson Parish), LaSalle ICE Processing Center, Natchitoches Parish Detention Center, Pine Prairie ICE Processing Center (Pine Prairie), Richwood Correctional Center, River Correctional Center, South Louisiana ICE Processing Center, and Winn Correctional Center (Winn). As described below, DHS recently committed to reducing detention capacity at Winn after years of organizing and outcry about serious human rights abuses there.

In recent years, Louisiana has significantly expanded immigration detention, despite pervasive rights violations in its immigration jails. Advocates and organizers confirm that a significant number of recent ICE transfers from the Northeast U.S. are to Louisiana. Since September 2018, ICE began contracting with at least ten different parishes and private operators—particularly the Louisiana-based private prison corporation LaSalle Corrections—across the state. By February 2018, the number of people in immigration detention in Louisiana was close to 7,000, second to only Texas. By October 2019, that number had grown to 8,000 (over fifteen percent of the 51,000 people in immigration detention nationwide at the time). According to the Southern Poverty Law Center, by Summer 2021 there were over 6,000 people in detention within the jurisdiction of the New Orleans ICE Field Office (covering Louisiana, Mississippi, Alabama, Arkansas, and Tennessee), up from about 1,000 in Spring 2021. According to the most recent data from ICE, which is current as of May 31, 2022, the state of Louisiana is detaining 2,894 immigrants, surpassed only by Texas.

---

380 Detention Facilities, ICE, supra note 1.
382 No providers, organizers, or community members have been able to compile aggregate national or regional data on these transfers. EH call with Jeremy Long (Al Otro Lado), Matt Vogel (NIP-NLG), and Joseph Meyers (NIP-NLG) (June 28, 2021); Abolish ICE NY-NJ coalition internal communications.
384 Id.
July 2019 action outside New Orleans ICE Office, with candlelight altar for children who have died in ICE custody. Sign reads: “RESIST ICE” | Photo credits: Voces Unidas
Movement Organizing and Advocacy in Louisiana

Communities in Louisiana have been organizing for years to resist ICE and private prison corporations’ efforts to expand detention and ultimately end immigration detention in the state. Advocates and volunteers, including with the Southeast Immigrant Rights Network and Voces Unidas: Louisiana Immigrants Rights Coalition, have organized in solidarity with people inside immigration jails and joined nationwide protests to abolish ICE and end family separation. In July 2019, about 400 people protested outside of the New Orleans ICE Field Office, including directly impacted undocumented people, faith leaders, and community organizations. Artists organized a separate parade, beginning in New Orleans’ French Quarter and ending downtown to march with demonstrators. In September 2019, dozens of people blocked traffic outside ICE’s New Orleans Field Office to protest the pending deportation order of Yoel Alonso Leal, a Cuban asylum-seeker; ten people were arrested.

In November 2019, two asylum seekers from India who were detained at LaSalle began a hunger strike protesting their detention. One of the hunger strikers explained in a statement: “The reason for me sitting on hunger strike is because I want freedom. Since January 21, 2019, I have been locked inside four walls. For about a year I have been living my life inside suffocating. In my whole life I have not lived inside four walls like this.” By January 2020, the two men had been on hunger strike for well over sixty days; ICE responded by subjecting them and three other hunger strikers at LaSalle to forced hydration, a practice that violates detained people’s “right to refuse treatment and to use a hunger strike as a form of political dissent.” Voces Unidas coordinated solidarity actions to call for the release of the hunger strikers, gathering thousands of signatures, holding a demonstration with about 50 people, and launching a social media campaign. Also in January 2020, a local musician partnered with community groups, holding a concert to raise funds for immigrants in detention.

Immigrants’ rights groups have also filed numerous lawsuits and civil rights complaints. The Southern Poverty Law Center filed a class-action lawsuit against ICE and the Trump Administration, arguing that private detention centers including LaSalle, as well as Irwin and

---

388 Clark, supra note 383.
390 Email from Martha Alguera, Founder and Director, Voces Unidas: Louisiana Immigrant Rights Coalition (May 19, 2022).
391 Id.
394 Id. (quoting one of the hunger strikers, referred to by the pseudonym “Mr. Singh”).
395 Id. (quoting Ranit Mishori, senior medical advisor for Physicians for Human Rights).
396 Email from Martha Alguera, supra note 390.
397 Id.
Stewart, both in Georgia, systematically deny immigrants access to legal representation. Toward the beginning of the COVID-19 pandemic, women detained at Basile spoke out against insufficient COVID-19 protections and other dangerous and inhumane conditions. A video statement by women in detention, explained:

---

We are nearly 200 women detained in the Basile, Louisiana ICE processing center. We have been incarcerated here between six and nine months . . . . [ICE and the jail] rob us of our freedom . . . . we’ve received mistreatment, racism and xenophobia, and an enormous abuse of power against us. We request asylum and protection, but for us, until now there has only been deportation.\footnote{Translated version of statement, shared via e-mail by Martha Alguera, Voces Unidas (May 19, 2022).}

Another woman detained at Basile, identified as María, detailed ICE’s retaliation: “Here I go. Because we have to raise our voices. We have broken the silence and we haven’t received any responses from ICE. On the contrary, they have isolated us from the other dormitories. We have requested to speak with the superiors and they haven’t listened to us.”\footnote{Id.} In April 2020, advocates filed an emergency lawsuit to release medically vulnerable people from detention at six immigration detention facilities in Louisiana; a judge ordered 13 of the 15 plaintiffs released.\footnote{Federal Judge Recommends Release of Medically Vulnerable People from ICE Detention in Louisiana, CENTER FOR CONSTITUTIONAL RIGHTS & NIP-NLG (Apr. 30, 2020), https://nipnlg.org/pr/2020_30Apr_dada-v-witte.html.}

People detained at Winn protested their prolonged detention in 2019, including by refusing to go back to their cells and by writing the word “Libertad” (Spanish for “liberty”) on bedsheets and towels.\footnote{Id.} ICE responded by pepper spraying about 50 people.\footnote{Nomaan Merchant, ICE confirms officers in Louisiana jail pepper-sprayed protesting migrants, PBS (Dec. 4, 2019), https://www.pbs.org/newshour/nation/ice-confirms-officers-in-louisiana-jail-pepper-sprayed-protesting-migrants.} In August 2020, after Black asylum seekers detained at Pine Creek went on hunger strike, ICE responded with extreme retaliation, using tear gas and pepper spray (including in a unit that was under COVID-19 quarantine) and breaking the bones of at least one hunger striker.\footnote{From August 2020 to February 2021, immigrants’ rights groups filed at least 5 civil rights complaints calling for investigation of Winn, Pine Prairie, Adams County, and Jackson Parish, including for the use of torture and coercion in obtaining “voluntary” signatures of detained Cameroonian asylum seekers on deportation documents, and for retaliation, disproportionate use of force, and other violations.\footnote{See Dave Mamone, ‘Unfit to house human beings:’ Pro-migrant groups decry Louisiana ICE facilities in letter to DHS, THE ACADIANA ADVOCATE (Dec. 21, 2021), https://www.theadvocate.com/acadiana/news/article_5ef71e42-5f4c-11ec-b4b6-2bfb7729b684.html; Letter to DHS Secretary Alejandro Mayorkas Re: Unchecked Human Rights and Civil Rights Abuses Systemic within the New Orleans ICE Field Office Area of Responsibility, ACLU OF LOUISIANA ET AL. 1 (Dec. 20, 2021), https://static1.squarespace.com/static/5a33042eb078691c386e7bce/t/61c0b47c15319f67d4045ca3/1640019069450/1 2%3A20%3A21+DHS+NOLA+ICE+Investigation+Follow-Up+Letter+%282%29.pdf; see also Hayley Miller, ICE Detention Center Officials Indiscriminately Tear Gassed Asylum-Seekers, Complaints Say, HUFFPOST (Aug. 16, 2020), https://www.huffpost.com/entry/ice-tear-gas-detainees-winn-correctional-center_n_5f35305ec5b6fe009a625a85.}
In February 2021, DHS announced that it would be opening an investigation into the entire “area of responsibility” of the New Orleans ICE Field Office, comprising Louisiana, Mississippi, Alabama, Arkansas, and Tennessee. In December 2021, a coalition of immigrants’ rights organizations—including the ACLU of Louisiana, ACLU of Mississippi, Adelante Alabama Worker Center, Al Otro Lado, Black Alliance for Just Immigration (BAJI), Cameroon Advocacy Network, Freedom for Immigrants, Haitian Bridge Alliance, Home is Here NOLA, Immigration Services and Legal Advocacy (ISLA), Innovation Law Lab, Louisiana Advocates for Immigrants in Detention, Mississippi Center for Justice, National Immigration Project of the National Lawyers Guild (NIP-NLG), Robert F. Kennedy Human Rights, Shut Down Etowah, and the Southern Poverty Law Center—sent a letter to DHS Secretary Alejandro Mayorkas decrying the “apparent lack of urgency and rigor that has characterized [the DHS] investigation so far.” The letter outlines a deeply entrenched pattern of impunity, demanding the termination of all related ICE contracts and the release of all detained individuals because “every day, at least 6,000 people who are detained within the NOLA ICE Field Office’s facilities remain subjected to [] racist, violent, and life-threatening treatment.”

**Successful Organizing to Reduce Winn’s Detention Capacity**

In a major victory, impacted communities recently secured a commitment from DHS to reduce detention capacity at Winn. This decision comes after years of advocacy and organizing to call attention to human rights abuses at Winn and shut down the jail. In addition to the organizing and advocacy described above, people detained at Winn have continued to speak out about ongoing...

---

406 [Letter to Secretary Mayorkas and Acting Director Johnson from Seven U.S. Senators calling for an investigation of NOLA ICE (Feb. 25, 2021)](https://www.warren.senate.gov/imo/media/doc/2021.02.25%20Letter%20to%20ICE%20and%20DHS%20re%20ceded%20deportations%20of%20asylum%20seekers.pdf) (“While abuse and neglect in ICE facilities has been endemic for years, these incidents have happened with disturbing regularity and severity under the authority of the New Orleans ICE Field Office in particular.”).


408 *Id.* at 2.

rights violations occurring at the jail. In June 2021, Freedom for Immigrants, Al Otro Lado, and Advocates for Immigrant Rights filed another civil rights complaint detailing disturbing allegations of continuing abuse—including racist and xenophobic treatment, physical assault, abuse of solitary confinement, dehumanizing conditions triggering suicidal ideation, medical neglect, and deprivation of access to counsel—and calling on DHS to put a stop to rights violations, end all contracts with Winn, and open an investigation into the New Orleans ICE Field Office. In November 2021, DHS issued an internal report admitting that Winn had “a culture and conditions that can lead to abuse, mistreatment, and discrimination,” and recommending that ICE

410 See, e.g., Sesin, supra note 386; Shane Bauer, My four months as a private prison guard, MOTHER JONES (June 2016), https://www.motherjones.com/politics/2016/06/cca-private-prisons-corrections-corporation-inmates-investigation-bauer/ (five-part investigative reporting on violations at Winn).
411 Complaint to DHS Office of Civil Rights and Civil Liberties Re: Call for Cancellation of Winn Correctional Center Contract and Investigation into the New Orleans ICE Field Office (June 10, 20221), https://drive.google.com/file/d/15M4u4ZF4avcwM6UIarWC1ODps2g4ZY3i/view; see also Brittany Valentine, Attorneys turn focus to Louisiana’s Winn Correctional Center over terrible migrant housing conditions, AL DIA (June 22, 2021), https://aladianews.com/politics/policy/ice-abuse-la.
stop detaining immigrants at Winn.\textsuperscript{412} In March 2022, ICE announced that it would limit the detention capacity of Winn, and, as described below, that it would cut Etowah’s ICE contract and reduce the detention capacity of Glades and Alamance.\textsuperscript{413} This is a substantial success, as Brigette Gomez, executive director of the We Are Home coalition, emphasizes: “We are proud of the relentless work that immigrant justice partners have made over the years to bring an end to this abuse by speaking up and never giving up.”\textsuperscript{414}

While impacted communities and immigrants’ rights groups have celebrated this news, they have also continued to push for more radical change, including termination of ICE contracts at Winn, Glades, and Alamance, and the permanent closure and immediate release of all people detained at the facilities.\textsuperscript{415}

\begin{flushright}
\footnotesize
\textsuperscript{412} Hamed Aleaziz, \textit{Internal Investigators Told ICE To Stop Sending Immigrants To A Prison In Louisiana Because Of A Culture That Can Lead To Abuse}, \textsc{BuzzFeed News} (Dec. 15, 2021), https://www.buzzfeednews.com/article/hamedaleaziz/ice-private-prison-louisiana-conditions.

\textsuperscript{413} See ICE Press Release, \textit{supra} note 409.


\textsuperscript{415} See, e.g., \textit{After over a decade of advocacy, ICE announces it will no longer use the Etowah County Detention Center — A huge win for the national immigrant rights movement}, \textsc{Detention Watch Network}, Joint Press Release (Mar. 25, 2022), https://www.detentionwatchnetwork.org/pressroom/releases/2022/after-over-decade-advocacy-ice-announces-it-will-no-longer-use-etowah-county.\
\end{flushright}
(11) ALABAMA

From 1994—nearly a decade before ICE was created—until 2022, Alabama detained immigrants at Etowah County Jail.416 As of March 2022, DHS has canceled Etowah’s ICE contract, following many years of dedicated organizing by movements in Alabama and the region.

Movement Organizing and Advocacy in Alabama

People detained at Etowah have courageously come forward with their stories despite an ever-present risk of retaliation by ICE and jail officials. Since at least 2012, immigrants detained at Etowah have protested the inhumane conditions at Etowah, including through hunger strikes.417 Impacted communities and immigrants’ rights groups have organized protests in solidarity by blocking the entrance to Etowah, protesting and playing music outside the jail, and setting up a visitation project.418 In one of these solidarity actions at Etowah in 2015, people in detention held up signs visible from the street reading: “Please help me!” “Thank you!” and “Free me.”419 Aurea Martinez, a national organizer for Detention Watch Network, emphasized that this action centered people detained at the jail: “We’re here to let them know they’re not alone. We want them to know that we are fighting to end the inhumane incarceration of the immigrant community.”420

Also in 2015, immigrants’ rights groups, including Community Initiatives for Visiting Immigrants in Confinement (CIVIC, now Freedom for Immigrants) filed a civil rights complaint with the DHS Office for Civil Rights and Civil Liberties.421 The complaint detailed numerous “systemic and severe” abuses at Etowah, summarizing 20 complaints lodged by individuals detained at Etowah from 2013 to 2015. The violations span physical abuse to coerce people into signing deportation documents, medical abuses, prolonged detention, and the failure to meet detainees’ basic nutritional needs.422

416 Detention Facilities, ICE, supra note 1.
419 Thornton, Chant Down the Walls, supra note 418.
420 Id.
422 Id. at 3–10.
In 2016, movement groups in Alabama including the Adelante Alabama Worker Center (Adelante Alabama), ACLU of Alabama, Alabama Coalition for Immigrant Justice, Detention Watch Network, Families for Freedom, Freedom for Immigrants, Greater Birmingham Ministries, National Immigration Project of the National Lawyers Guild, Project South, Southeast Immigrant Rights Network, and Southerners on New Ground—launched the Shut Down Etowah campaign. Key movement supporters—local community groups; Adelante Alabama’s founder, Jessica Vosburgh; and the Immigration Detention Defense Board (IDDB) student group at the University of Alabama’s School of Law—were all close enough to Etowah to drive there within a few hours. Additionally, an important legal component of Shutdown Etowah’s overall strategy was the Etowah Habeas Project, a collaboration between Adelante Alabama, habeas and immigration attorneys, and the Immigration Detention Defense Board student group at the University of Alabama’s School of Law. The Etowah Habeas Project collaborated with people who had been detained by ICE at

---

423 *About the Campaign, SHUT DOWN ETOWAH CAMPAIGN* (last accessed June 17, 2022), [http://shutdownetowah.org/about-the-campaign/](http://shutdownetowah.org/about-the-campaign/).
424 Emails from Rita Rodriguez, Legal and Policy Director of Adelante Alabama Worker Center (May 13 and May 18, 2022).
425 *Id.*
Etowah for years, to file federal habeas petitions seeking their release.\textsuperscript{426} According to Rita Rodriguez, Legal and Policy Director of Adelante Alabama, the proximity of the legal and mutual aid components of the Shut Down Etowah campaign was crucial to its eventual success in ending the ICE contract with Etowah.\textsuperscript{427}

In 2018, people in detention reported extreme medical neglect and other violations of their basic human rights.\textsuperscript{428} That same year, Etowah County’s Sheriff was confirmed to have used a loophole in state law to pocket nearly $750,000 allocated for food provisions at the jail.\textsuperscript{429} In July 2019, after two years of Freedom of Information Act litigation against DHS, immigrants’ rights groups including Adelante Alabama obtained a 2016 internal DHS investigation that documented

\textsuperscript{426}Id.
\textsuperscript{427}Id.
\textsuperscript{429}Connor Sheets, \textit{Etowah sheriff pockets $750k in jail food funds, buys $740k beach house}, \textsc{AL.com} (Mar. 13, 2018), \url{https://www.al.com/news/birmingham/2018/03/etowah_sheriff_pocketed_over_7.html}.

In April 2020, multiple individuals at Etowah protested the lack of adequate COVID-19 protections by live-streaming a video from inside detention and going to the press to raise their demands.\footnote{See Jonece Starr Dunigan, \textit{’I am scared of dying in here’: Lawsuit demands release of 18 immigrants from Alabama ICE facility}, AL.COM (May 4, 2020), \url{https://www.al.com/news/2020/05/i-am-scared-of-dying-in-here-lawsuit-demands-release-of-18-immigrants-from-alabama-ice-facility.html}.} In May 2020, a coalition of immigrants’ rights organizations including Adelante Alabama, the National Immigration Project of the National Lawyers Guild and the Center for Constitutional Rights, filed a lawsuit demanding the release of medically vulnerable people due to COVID-19.\footnote{Noah Lanard, \textit{7 Detainees Sued ICE. Then They Were Transferred to a Notorious Alabama Jail.}, \textit{Mother Jones} (July 21, 2020), \url{https://www.motherjones.com/politics/2020/07/seven-detainees-sued-ice-then-they-were-transferred-to-a-notorious-alabama-jail/}.} Etowah was also used as a destination for retaliatory transfers. For instance, in July 2020, ICE transferred immigrants from Pennsylvania to Etowah shortly after they had participated in a hunger strike and filed a lawsuit against ICE.\footnote{See ICE Press Release, \textit{supra} note 409; Alexander Lekhtman, \textit{ICE to Stop Holding Immigrants at Infamous Alabama Jail}, \textit{Filter Magazine} (Mar. 31, 2022), \url{https://filtermag.org/ice-immigrants-jail-alabama/}.}

\begin{center}
\textbf{Cutting Etowah’s ICE Contract}
\end{center}

After over a decade of organizing by communities in Alabama, in March 2022, DHS cut Etowah’s ICE contract, giving the jail a 30-day termination notice.\footnote{See Archilla v. Witte \textit{Case Page}, CENTER FOR CONSTITUTIONAL RIGHTS, \url{https://ccrjustice.org/home/what-we-do/our-cases/williams-v-horton}.} Asher Stubsten, an organizer with the Shut Down Etowah Campaign explained the import of this decision:

This is a decisive victory for the immigrant rights movement spurred by years of grassroots community organizing. [DHS’s] announcement is a testament to how
hard people in detention have fought for their freedom and why I, as an advocate, will always unite for the rights and dignity of immigrants and demand to abolish immigration detention.  

As of April 15, 2022, immigrants are no longer detained by ICE at Etowah. Advocates report that some people have been transferred to LaSalle Correctional Center, a notorious immigration jail in Jena, Louisiana. In response, Shut Down Etowah coalition member organization Freedom For Immigrants emphasizes: “All immigration detention is inherently dehumanizing and abusive. It’s not enough to move people from one jail to another.”

Organizers in AL with the Shut Down Etowah Campaign. Signs include: “ICE: DID YOU GET THE MEMO? SHUT DOWN ETOWAH!” and “SHUT DOWN ETOWAH” | Photo credit: Adelante Alabama

437 Joint Press Release, DETENTION WATCH NETWORK, supra note 415 (quoting Asher Stubsten).


440 Id.
Florida detains immigrants at four detention centers: Baker County Facility, Broward Transitional Center, Glades County Detention Center (Glades), and Krome North Service Processing Center (Krome). Following sustained organizing around violations and impunity at Glades and other Florida immigration jails, in March 2022 DHS agreed to reduce detention capacity at Glades.

Movement Organizing and Advocacy in Florida

Communities have long been organizing against the dangerous and dehumanizing conditions at Glades, Krome, and other Florida detention centers. Much of this organizing has centered on Glades, spearheaded by the Shut Down Glades Coalition. The Coalition’s members include Freedom For Immigrants, Detention Watch Network, Americans for Immigrant Justice, the ACLU of Florida, Southern Poverty Law Center, American Friends Service Committee Florida, Doctors for Camp Closure, Florida Immigrant Coalition, Legal Aid Service of Broward County, Detention Kills, Black Lives Matter Palm Beach County, Community Hotline for Incarcerated People, United We Dream, Food Not Bombs Lake Worth, The Grey Tea Kettle Chaplaincy Community Care & Support, The Farm Worker Association of Florida, University of Miami School of Law Immigration Clinic, Human Rights Defense Center, and QLatinx.

According to the Florida Detention Database, as of May 2022, Glades had been the subject of 96 civil rights complaints, 77 of which were filed with the DHS Office of Civil Rights and Civil Liberties. As just one example of such complaints, in October 2021, ten rights groups—Immigrant Action Alliance, Americans for Immigrant Justice, National Immigrant Justice Center, Freedom for Immigrants, American Civil Liberties Union of Florida, United We Dream, Palm Beach County Environmental Coalition, Campaign to Fight Toxic Prisons, Florida Prisoner Solidarity, and Doctors for Camp Closure—submitted a civil rights complaint regarding pervasive anti-Blackness at Glades including racial slurs, discrimination, and physical violence by staff against Black people detained at the jail. People in several Florida jails also filed class action lawsuits based on COVID-19 conditions, some of which were partially successful and others were rejected.

441 Detention Facilities, ICE, supra note 1.
443 Note as of writing, data on civil rights complaints at other Florida jails are not yet available in this database. FL Detention Database, ACLU OF FLORIDA & HOPE PUBLIC INTEREST RESOURCE CENTER AT THE UNIVERSITY OF MIAMI SCHOOL OF LAW (last accessed June 17, 2022), https://www.aclufl.org/en/florida-detention-database.
Individuals in detention at Glades have engaged in multiple hunger strikes to protest denial of medical care, racist abuses, sexual violence, excessive use of force, and unsanitary conditions. They have also been subjected to exposure to toxic chemicals and near-fatal carbon monoxide poisoning that resulted in hospitalization of four people and lasting, untreated health effects from coughing blood to dizziness and weakness. In March 2022, immigrants’ rights groups urged the Environmental Protection Agency to investigate Glades for misuse of toxic chemicals at up to 50 times allowable concentrations, arguing that the jail was putting people in detention in danger of “shortness of breath, cough, nose bleeds, headaches, severe nausea, and an increased risk of reproductive health damage, among other chronic conditions.”

---


**Partial Victory: Reducing Detention Capacity at Glades**

In March 2022, DHS announced it would reduce immigration detention space at Glades by not renewing the contract provision with Glades County that required a 300-bed minimum. The agency also stated that it would be “pausing” its use of Glades as an immigration jail until it meets internal detention standards. The decision cited “persistent and ongoing concerns related to the provision of detainee medical care.” This announcement is a product of the Shut Down Glades Coalition’s extensive organizing and the direct action of people who were detained at Glades. Formerly detained people including Erickson Martínez, who spent three years detained at Glades and was since deported, communicated with dozens of people imprisoned at Glades and provided key information and advice to the coalition based on their lived experience at the jail.

---

450 ICE Press Release, supra note 409.
452 IMMIGRANT ACTION ALLIANCE, Press Release, supra note 442.
Bel’Or Mbema Mapudi Ngoma, who was also formerly detained at Glades, explains that the jail’s full closure is the only option: “I experienced constant abuses at Glades, in addition to unprofessional and racist treatment . . . . Glades must close rather than continue to subject people to inhumane conditions [. This] would be a step in the direction of a vision of a world where all people are treated with humanity.”

The Shut Down Glades Coalition has vowed to “remain[] vigilant and continue[] the fight to ensure Glades is closed—fully and forever.” As Setareh Ghandehari, advocacy director of Detention Watch Network, affirms:

All ICE detention is cruel, inhumane and beyond repair . . . . We demand the just closure of Glades, including freedom for those who were transferred from Glades to other ICE facilities . . . . [T]he government should invest in resources that communities actually need and provide incentives for communities to move away from economies dependent on the suffering of people in immigration detention and towards economies that create opportunities for whole communities to thrive.

In April 2022, the Shut Down Glades Coalition submitted a joint letter to DHS demanding that the agency end immigration detention at Glades entirely by terminating the ICE contract with Glades County.

Glades action. Heart-shaped signs read: “SHUT DOWN GLADES” | Photo credit: Immigrant Action Alliance

---

454 IMMIGRANT ACTION ALLIANCE, Press Release, supra note 442.
455 Id.
ICE has no dedicated immigration jail in North Carolina, and currently detains immigrants at one location in the state: Alamance County Detention Center in Graham, NC. Historically, most immigrants from North Carolina who have been detained by ICE were transferred to immigration jails in Georgia, including Stewart and Irwin. In March 2022, DHS agreed to reduce Alamance’s detention capacity, spurred by long-standing organizing around conditions and violations at Alamance.

Movement Organizing and Advocacy in North Carolina

Communities across North Carolina have been organizing for many years against 287(g) agreements that empower state and local law enforcement and jails to collaborate with ICE to detain and deport immigrants. These programs have caused immense harm to North Carolina’s immigrant communities. Mecklenberg County’s 287(g) agreement alone led to the deportation of over 15,000 people from the program’s inception in 2006 to its cancelation in 2018. Comunidad Colectiva, a grassroots group based in Charlotte, NC, and the ICE Out of NC campaign, led by directly impacted women who are mothers and immigrants, have been central to this organizing. In December 2018, following extended pressure from community groups, North Carolina’s two largest counties, Wake and Mecklenburg, ended their 287(g) agreements. As a result of this organizing, 287(g) agreements have become a key issue in sheriffs’ elections in counties across North Carolina.

Organizers and directly impacted people also defeated state-level legislation that would have required sheriffs to cooperate with ICE. In 2019, the #StopHB370 Coalition, composed of groups including: Comunidad Colectiva, Southeast Asian Coalition, Siembra NC, Compañeros Inmigrantes de las Montañas en Acción (CIMA), ACLU of North Carolina, Burgos Chala Law, Campaign for Southern Equality, Carolina Jews for Justice, Equality NC, Down Home North Carolina, Durham Association of Educators, Durham for All, Durham People’s Alliance, El Colectivo NC, El Pueblo, Guilford County Association of Educators, FaithAction International House, Faith In Public Life, Just Futures Law, Latin American Coalition, Latino Community Coalition of Guilford, NARAL Pro-Choice North Carolina, NextGen North Carolina, North

457 Alamance does not show up on ICE’s own search page. Detention Facilities, ICE, supra note 1.
Carolina A. Philip Randolph Education Fund, North Carolina State AFL-CIO, North Carolina Asian Americans Together, North Carolina Council of Churches, NC Child, North Carolina Justice Center, Planned Parenthood of the Southeast, Raleigh Police Accountability Community Taskforce (PACT), SPLC Action Fund, Triangle Interfaith Advocates for Refugees and Immigrants (TIARI), True Ridge, YWCA of High Point, Movement to End Racism and Islamophobia, Muslim Women For, El Puente Hispano, Enlace, and YWCA of Asheville, successfully pressured North Carolina governor Roy Cooper to veto HB 370 after it passed in both houses.\textsuperscript{463} In 2021, SB 101, a copycat bill, passed in the Senate but died in a House committee following extensive community opposition.\textsuperscript{464}

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{tacos.jpg}
\caption{2018 action in Alamance, NC against Sheriff Jones and Alamance’s collaboration with ICE. Text on plate of tacos reads: “To: El Sherriff, De: The Latinx Community of Alamance County, aka ‘Tacoaters’, NO 287G” | Photo credit: Felicia Arriaga/Scalawag Magazine}
\end{figure}


In addition to the 287(g) work, immigrants’ rights groups including Siembra NC, Down Home NC, Faith Action, Never Again Action, and Southerners on New Ground, have been organizing to end Alamance’s ICE contract and its pattern of targeting and criminalizing immigrants. Alamance County has used its lucrative contracts with ICE to expand both civil and criminal detention capacity at the jail, including by adding on a dedicated immigration facility and annex. Immigrants in Alamance County have been subjected to discriminatory targeting for detention and deportation. For example, Alamance’s Sheriff Terry Johnson instructed deputies to stop “Mexican” looking people and told officers to “go out there and get me some taco-eaters.” The Department of Justice investigated Terry Johnson and the Alamance County Sheriff’s Office, concluding in 2012 that it was engaging in “a pattern or practice of discriminatory policing against Latin[x people]” in violation of the Constitution and federal law.

As just one example, in November 2019, hundreds of demonstrators blocked streets in Graham to protest the county’s new ICE contract and the hiring of more deputies. The police arrived in full riot gear, threatened protesters with tear gas, and made multiple arrests. Two of the organizers of this action, Roxana Benezú from Migrant Roots Media and Brandon Mond from Carolina Jews for Justice, explained the movement’s demands:

We stand together to demand an end to the $2.3 million contract between ICE and Alamance County. We are calling for justice, not deportation, an end to unjust incarceration, and for every single human being in Alamance County and across North Carolina to be treated with dignity and respect.

People in detention at Alamance have also reported terrible conditions and rights abuses at the jail, including serious medical neglect.

---

468 Hinds & Norton, supra note 466.
470 Id.
2019 Alamance action in Graham, NC. Coffins read: “NEVER AGAIN IS NOW” and “ICE OUT OF ALAMANCE” | Photo credit: Never Again Action
Partial Victory: Reducing Alamance’s Detention Capacity

In March 2022, DHS announced that it would be reducing detention capacity at Alamance, along with contract cuts or reductions at Etwoah, Glades, and Winn. As part of this decision, the agency no longer detains immigrants at Alamance for longer than 72 hours. Immigrants’ rights groups have vowed to continue pushing for an end to immigration detention in North Carolina. As Kelly Morales, executive director of Siembra NC, asserts:

We won’t be satisfied until immigrants aren’t detained for profit anywhere in the state. We’ll keep standing up to ICE in the streets and in our neighborhoods, and will stand up to [Alamance County Sheriff] Terry Johnson and others like him by registering and mobilizing our people through the November election.

---

473 See ICE Press Release, supra note 409.
476 Jurney, supra note 472 (quoting Kelly Morales).
IV. Conclusion: Building Momentum, Ongoing Challenges

The United States has not always engaged in the large-scale detention of immigrants.\(^{477}\) Under the Eisenhower administration in the mid-1950s, for instance, the Department of Justice reported only four people in U.S. immigration custody.\(^{478}\) In the intervening decades, the U.S. criminal-immigration apparatus has expanded drastically. By 2018, the United States detained over 400,000 people every year for immigration-related reasons, with tens of thousands of people jailed on any given day.\(^{479}\) As of March 2022, there were over 32,000 people in immigration detention.\(^{480}\)

Now, directly impacted communities are calling for an end to the inhumane and violent practice of immigration detention. As detained people and those who love them affirm, detention harms individuals, families, and communities. It does not keep us safe. Organizing from inside and outside of immigration jails, the movement to Abolish ICE and end immigration detention in the United States is gaining unprecedented strength and winning concrete victories.\(^{481}\)

Impacted communities and organizers have passed Dignity Not Detention legislation in six states—California, Washington, Illinois, New Jersey, Maryland, and Oregon—to ban public and private contracts with ICE to detain immigrants. States including New York, New Mexico, and Wisconsin have introduced bills to limit immigration detention. Since 2021, people in immigration detention, their loved ones, and movements working in solidarity with them have won shutdown fights at jails responsible for systemic rights violations, cutting ICE contracts at Irwin in Georgia, and outside of immigration jails, the movement to Abolish ICE and end immigration detention in the United States is gaining unprecedented strength and winning concrete victories.\(^{481}\)


\(^{479}\) Lindskoog, supra note 477 at i.

\(^{480}\) While the number of people detained by ICE is currently about half of pre-COVID-19 detention statistics, the numbers are climbing back up from a relative low of 13,500 people in early 2021. See Wendy Sawyer & Peter Wagner, Mass Incarceration: The Whole Pie 2022, PRISON POLICY INITIATIVE (Mar. 14, 2022), https://www.prisonpolicy.org/reports/pie2022.html.

Etowah in Alabama, and Bristol in Massachusetts, among others. Movements have also successfully pressured DHS to reduce detention capacity at Glades in Florida, Winn in Louisiana, and Alamance in North Carolina. Biden’s 2023 budget asks Congress to fund 9,000 fewer beds than in the prior budget, the first such substantial reduction since the advent of the modern U.S. immigration detention system.482

**Reflections on Recent Victories**

1. **State-level Organizing As Groundwork for Federal Anti-Detention Legislation**

State-level legislative work and shutdown fights reflect a strategic choice. Movements are organizing at the state and local level because the federal government remains unwilling to take comprehensive federal action. The work of these movements is creating the political conditions for later federal anti-detention legislation. With every state that introduces and passes anti-detention legislation, federal-level legislation becomes more possible. Similarly, as more counties and localities cut ICE contracts and close immigration jails, they make state-level legislation and shutdowns in other places around the country easier.

2. **Material and Political Power of Local-Level Solidarity with People in Detention**

At the same time, organizers are targeting immigration jails in order to disrupt the role that detention plays in facilitating deportations. Detention cuts people off from their communities and is by definition dehumanizing and carceral. In response, immigrants’ rights movements are building solidarity with people inside. Supporting the material needs of people both while they are in detention and after they are released, including by raising funds to support commissary, bond, and transport for loved ones, and connecting people with services and legal representation, forms a key part of this solidarity.

3. **Importance of Expansive Tactics and Uncompromising Demands**

The recent victories that impacted communities have won across the country underline the power of uncompromising and expansive organizing by and for impacted communities. These victories have been made possible by many years of coalition-building, organizing, and political education.483 People in detention have gone on hunger strike and spoken out about their experiences of abuse and jail impunity while detained, despite facing threats and retaliation by ICE and jail officials. Movements have mobilized in solidarity with detained people, employing a wide range of tactics that include legislative advocacy, media work, civil rights suits, international human rights advocacy, mass protests and rallies, and bold direct action to block immigration jail entrances, shut down ICE black sites, and ground deportation flights.

Much of the power of these movements flows from their refusal to compromise on key principles. Impacted communities are rejecting the narratives of ICE and private prison corporations that releases are unrealistic and transfers inevitable; that only some people should be released from detention; that “Alternatives to Detention” programs are an acceptable substitute for

---


detention; or that detention makes us safer. Instead, movements are holding fast to core tenets that all people deserve freedom, safety and community, regardless of prior contacts with the criminal legal system or any other identities they hold; that immigration detention is inherently violent and harmful and must be abolished; and that this fight is bound up in the struggle for liberation from other systems of oppression, including criminal incarceration and punishment, racial capitalism, settler colonialism, and imperialism.

**Reflections on Ongoing Challenges**

**1. Disrupting Narratives & Maintaining Solidarity**

Claiming the narrative around transfers presents a major challenge for abolitionist movements across the country. While jail closures and contract cuts are tremendous victories for impacted communities, organizers, and advocates, ICE continues to use the threat of transfers to deter support for closures and other abolitionist organizing. Transfers do impose significant hardships on the people who are transferred, their families, and their communities. They also make access to immigration counsel difficult. Recent media coverage is falling into ICE’s trap of framing transfers as inevitable and the abolition of immigration detention as unrealistic. For instance, on June 25, 2021, an article in *Gothamist* fed into this narrative:

> As advocates pushed for the closure of these detention centers . . . some immigration lawyers warned of unintended consequences—that these immigrants would likely be moved to far away jails, away from their families and attorneys, instead of being released. Now, that’s exactly what appears to be happening.\(^{484}\)

In response to this reductive framing, movements are refusing to concede that transfers are necessary or inevitable. The Abolish ICE NY-NJ coalition offers a reminder that ICE retains the authority to release the people under its custody at any time.\(^{485}\)

Relatedly, movements are encountering the harmful narrative pushed by ICE and jail officials that only some immigrants can or should be released. For instance, after organizers in California successfully cut the West County ICE contract, they were able to secure more releases of people who had been detained there because these individuals were primarily asylum seekers without criminal convictions. In contrast, after New Jersey passed Dignity Not Detention legislation forcing jails to stop detaining immigrants in the state, ICE transferred some people, many of whom had criminal convictions, to jails in New York rather than releasing them. Directly impacted communities are contesting this narrative. For instance, they are working in solidarity with immigrants in detention, regardless of their prior contacts with the criminal legal system, to advocate for releases. The calls to “Free Them All” and for “Releases Not Transfers” emphasize the inherent worth of all people in detention. Organizers are also working to build cross-movement

---


solidarity with movements for broader carceral abolition.486 The action at California Governor Gavin Newsom’s Sacramento mansion in July 2020, discussed above, provides a powerful example of this solidarity, since it demanded the release of all people incarcerated or detained in California.487

2. Limited Information on ICE’s Releases and Transfers

Part of the reason ICE’s narrative of releases as inevitable has been so effective is that ICE has long been illegally withholding data on its transfers of detained people from one jail to another.488 Based on data from before 2016, the largest number of interstate transfers were to jails in the Fifth Circuit (comprising Louisiana, Mississippi, and Texas) and Eleventh Circuit (covering Georgia, Alabama, and Florida).489 This concentration of transfers and detention is a calculated decision on ICE’s part, given the limited access to legal representation, concentration of anti-immigrant immigration judges, hostile case law in both the Fifth and Eleventh Circuits, and lower cost of detention.490

Impacted communities and attorneys confirm that releases are taking place following successful jail closures and contract cuts. However, movements lack information about when and why ICE has tended to escalate transfers, whether as a response to hunger strikes by people in detention, to COVID-19 outbreaks, or to state or local-level policy decisions to cut contracts or close facilities. Similarly, the lack of data makes it difficult to trace patterns in what happens to people post-closure, including how many people are transferred versus released and where people are transferred.

Restoring public access to ICE’s comprehensive national data—or crowd-sourcing localized data from communities, organizers, loved ones, and attorneys—could serve two important functions. First, a more complete picture of what is happening to people in detention post-closure could help movements interrupt ICE’s narratives around closures and transfers. It would help demonstrate that transfers are not the only possible outcome of closures and that, to

487 Chantal da Silva, supra note 28.
488 Up-to-date national data on ICE transfers are currently impossible to publicly access: Since 2016, ICE has completely stopped releasing transfers data and is claiming that its databases are not subject to Freedom of Information Act (FOIA) requests. The most recent aggregate transfers data released by ICE cover the period from October 2014 to September 2015. The Transactional Research Access Clearinghouse of Syracuse University (TRAC) has been requesting updated statistics on ICE transfers from the agency on a monthly basis since it began withholding this information, and is currently litigating three FOIA cases against ICE (one filed in 2014; two filed in 2017), contesting this illegal withholding. EH call with Susan Long, TRAC Co-Director (June 4, 2021); Detention Facility Reports: Transfers, TRAC (Oct. 2014-Sept. 2015), https://trac.syr.edu/immigration/detention/tran.shtml.
489 Id. at 2, 23.
the contrary, releases are already happening. Second, having more information about these dynamics could help communities in their organizing: to document transfers for media, policy, and litigation purposes; to be more prepared when transfers happen in order to ensure that people who experience transfers are getting the community, material, and legal support that they need post-transfer; and, most importantly, to inform and strengthen their efforts to prevent transfers from happening in the first place.\textsuperscript{491}

3. Legal Challenges to Dignity Not Detention Legislation

As detailed above, following the passage of Dignity Not Detention legislation, private prison corporations and counties that have profited from ICE contracts have taken legal action in attempts to overturn the state laws. In California, the private prison corporation GEO Group has filed suit against the state of California to invalidate one of its Dignity Not Detention provisions (AB 32). In Washington, GEO Group has taken a similar approach, suing the state of Washington and Pierce County, where NWDC sits, to challenge the state’s Dignity Not Detention law (HB 1090). In Illinois, McHenry and Kankakee counties—both of which had lucrative contracts with ICE to detain immigrants in their county jails—filed suit to block Illinois Way Forward (SB 667) from going into effect.

All three cases are pending as of June 2022. The Illinois counties lost their SB 667 case at the trial level but have appealed the ruling to the 7th Circuit. GEO Group’s Washington HB 1090 case has been stayed pending resolution of its California AB 32 case. The challenge to AB 32 initially failed at the trial level, but a three-judge 9th Circuit panel reversed the decision. Crucially, the 9th Circuit recently vacated this order and reheard the case before a full 11-judge panel in May 2022. The resolution of this case will have a significant impact on the fate of Dignity Not Detention legislation around the country: if the challenge to AB 32 fails, it will be a strong endorsement of the constitutionality of Dignity Not Detention legislation and will make it harder for ICE and affiliated actors to challenge it in other states. If GEO Group is successful, it could make enforcement of state-level Dignity Not Detention legislation more difficult and would require advocates and impacted communities to identify creative ways around the decision.

4. Resisting the Expansion of “Alternatives to Detention” Programs

The movement to abolish immigration detention in the United States is also fighting to resist the expansion of “Alternatives to Detention” (ATD) programs. These programs are marketed

\textsuperscript{491} For context on the scale of ICE transfers before 2016, ICE carried out over two million transfers from 1998 to 2010. Over forty-six percent of immigrants who experienced ICE transfers were moved at least two times, and 3,400 people were transferred ten or more times. People who experienced transfers spent on average three times longer in detention than those who were never transferred, and were less likely to prevail in their bond hearings. Alison Parker, \textit{A Costly Move: Far and Frequent Transfers Impede Hearings for Immigrant Detainees in the United States}, HUMAN RIGHTS WATCH 1, 3 (June 14, 2011), \url{https://www.hrw.org/sites/default/files/reports/us0611webcove ar_0.pdf}. See also Emily Ryo and Ian Peacock, \textit{The Landscape of Immigration Detention in the United States}, AMERICAN IMMIGRATION COUNCIL 18 (Dec. 2018), \url{https://www.americanimmigrationcouncil.org/sites/default/files/research/the_landscape_of_immigration_detention_i n_the_united_states.pdf} (finding that fifty-four percent of individuals released in FY 2015 experienced at least one transfer during their detention); Alison Parker, \textit{Locked Up Far Away The Transfer of Immigrants to Remote Detention Centers in the United States}, HUMAN RIGHTS WATCH (Dec. 2, 2009), \url{https://www.hrw.org/sites/default/files/reports/us1209webcove ar_0.pdf}. 107
as “more humane” alternatives to detention.\footnote{492} However, as impacted communities and immigrants’ rights groups have demonstrated, ATD programs function as alternative forms \textit{of} detention without leading to any commensurate decrease in the number of people subjected to immigration detention.\footnote{493} Moreover, ATD programs involve intensive surveillance and data-gathering, which serve to further criminalize and extract profits from immigrant communities.\footnote{494} Immigrants’ rights movements emphasize that ATD programs are not an acceptable path forward, and that instead ICE and all forms of immigration detention must be abolished. As Aly Panjwani, Take Back Tech Fellow with Just Futures Law and Mijente, explains: “It won’t be until the agency [ICE] frees everyone from the reach of its oppressive tactics, systems, and facilities that immigrant communities will truly be free.”\footnote{495}

Despite these ongoing challenges, the movement to abolish immigration detention is gaining momentum. From passing bills limiting immigration detention to cutting ICE contracts, impacted communities across the United States are achieving concrete wins and building power in the process, in ways that might have seemed impossible even a few years ago.

\footnote{492} See Aly Panjwani, ICE Digital Prisons, JUST FUTURES LAW & MIJENTE 3–4 (June 2021), \url{https://www.flipsnack.com/justfutures/ice-digital-prisons-1u8w3fnd1j/full-view.html}.  
\footnote{493} See generally id.  
\footnote{495} Panjwani, Rigged by Design, supra note 494.
July 2021 action at ICE black site in Newark, NJ. Banner reads: “PROTECCIÓN [PROTECTION]” | Photo credit: Tamar Sarai Davis