

**AMERICAN BAR ASSOCIATION
COMMISSION ON IMMIGRATION**

**QUESTIONNAIRE REGARDING CONDITIONS IN DEPARTMENT OF HOMELAND SECURITY,
IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) DETENTION**

BACKGROUND: You recently sent a letter stating that you are detained by the Department of Homeland Security (DHS) Immigration and Customs Enforcement (ICE, formerly the INS). Please fill out this questionnaire about the conditions at the facility where you are being detained. The DHS ICE detention standards require a minimum level of conditions at the detention facilities and jails including access to visitation, legal presentations, telephone calls, and law library materials. You should have received information about your rights and responsibilities in a detainee or inmate handbook given to you when you entered the facility. This handbook should also include information about the access that ICE should be providing to you.

If you are experiencing problems where you are detained, the American Bar Association (ABA) would like to know. The ABA is working on behalf of detained individuals to advocate for better conditions in ICE detention. We will use the information that you provide us as a summary of problems in ICE detention. In order to help you with your particular problem, if you give us permission, we may send your complaints to a government agency that can investigate it: either the DHS Office of the Inspector General (OIG), the DHS Office for Civil Rights and Civil Liberties (OCRCL), or the United States Public Health Service. These agencies investigate complaints and attempt to correct problems. We include a Summary of Complaint Processes with the OIG and OCRCL addresses so you may contact them directly.

Please indicate how you would like us to handle your questionnaire by choosing one of the following options:

- **If you would like us to send your complaint to a government agency that can investigate it,**

Please check this box for Not Confidential:

- **If you would like us to send part of your complaint to a government agency that can investigate it, but there is some specific information that you want to be kept confidential and not shared with the agency, please indicate which information should be kept private by writing “CONFIDENTIAL” next to it, and**

Please check this box for Part Confidential:

- **If you would like us to keep *all* of the information you share with us confidential, and you do not want us to share it with any government agency,**

Please check this box for Confidential:

If you indicate that you would like your complaint forwarded to a government agency for investigation, we will send you a letter stating whether we have sent your complaint to an agency; we cannot guarantee how the agency will handle your claim or what the outcome will be.

INSTRUCTIONS: Please answer the following questions specifically as possible regarding date(s) and time(s) of specific problems and names of any detention staff. Use extra paper if you need it. It is important that we receive complete information.

Your full name _____

Date: _____

Alien ("A") Number(s) _____

Name of facility where detained _____

Names of Other facilities where detained by DHS previously _____

Your mailing address _____

Date of birth _____ Place (town, country) of birth: _____

Nationality _____ What languages do you speak? _____

Are you currently in immigration proceedings? _____

Have you been given an order of removal/deportation? _____ When? _____

How long have you been detained? _____

Were you given a "detainee handbook" when you arrived at the facility? _____

Is the handbook available in your native language? _____

I. ACCESS TO LEGAL INFORMATION

Do you have access to legal information about your case? _____

What kind of information? (Video/written materials) _____

Have you seen a video that explains your rights under immigration law? _____

Please tell us about any problems you have had in getting legal information about your case (use extra paper if you need it): _____

Is there a law library where you are detained? _____

Have you been able to visit the law library? How often? How long is each visit? _____

Do you have to miss any other activity to use the law library? (For example, recreation time) _____

Do you have access to legal materials in the library? _____

Please describe the types of materials you have been able to use: _____

Are the materials current or out of date? _____

Do you have access to typewriters, computers, pens and paper? _____

Does the detention center copy legal documents for free for detainees who do not have money? _____

Please tell us about any problems you have had in using the library, legal materials or other library materials (use extra paper if you need it): _____

Do you currently have an attorney representing you? _____

If yes, what is your attorney's name and phone number? _____

Have you received free legal assistance? _____

If yes, what is the name and phone number of the group or organization providing such assistance? _____

Please tell us about any problems you have had in getting legal assistance for your case (use extra paper if you need it): _____

II. ACCESS TO VISITATION

Have your family or friends been able to visit you? _____

Has your attorney been able to visit you? _____

Please tell us about any problems you have had during visits with family, friends or attorney, for example, long wait times, lack of privacy, interruptions. (Use extra paper if needed): _____

Are you strip-searched after attorney visits? _____

Are you strip-searched after visits with family or friends? _____

If you miss lunch during visitation, are you given any food afterwards? _____

With your attorney, are you allowed to continue your visit through "count"? _____

Have you ever received a telephone message from your lawyer? Has your lawyer ever left a message for you that you did not receive? _____

III. MAIL AND TELEPHONES

Have you been able to send and receive mail? _____

Does the detention center pay to send legal/regular mail of detainees who cannot afford postage? _____

Please tell us about any problems you have had in sending and receiving mail (use extra paper if you need it): _____

Are you able to make telephone calls? _____

What type of calls are you able to make? (Please circle one) collect call
debit card
other

Are you able to make free calls to your consulate, the court, or legal representatives to seek assistance? _____

If you are in a state, county or local jail under contract with ICE, have you received a form called "Notice of Telephone Privileges for ICE Detainees in Facilities without Preprogrammed Phone Technology," which outlines your rights to free phone calls to attorneys, consulate, courts, etc.? _____

Have you requested making a free call to an attorney? Was your request granted/denied?

How long did it take to make the call after you requested it? _____

Is there information posted by the phone in your facility about how to make phone calls?

Please tell us about any problems you may have had with making telephone calls (use extra paper if you need it): _____

IV. CONDITIONS REGARDING RECREATION, MEDICAL, AND RELIGIOUS ISSUES

How many days a week and for how long are you allowed outdoor recreation? _____

If you do not have regular access to outdoor recreation, please explain why not: _____

If your facility has indoor recreation, how many days a week and for how long are you given recreation? _____

Are you able to get medical attention? _____

Please tell us about any problems you have had in getting medical attention, including dental and psychiatric treatment (use extra paper if you need it): _____

Are you able to practice your religion in detention? _____

Please tell us about any problems you may have had in practicing your religion in detention, for example lack of special diets, lack of access to articles for prayer, lack of access to religious counselors (use extra paper if you need it): _____

V. OTHER CONDITIONS ISSUES

Please describe other conditions of detention that have been difficult for you (for example, meals, clothing, sheets, exercise time, segregation, discipline, sleeping arrangements, solitary confinement, etc.). Use extra paper if you need it: _____

With any of the problems you have identified, have you tried to use the grievance procedure at your facility and if so, what was the result? _____

VI. QUESTIONS FOR DETAINEES HELD POST 9/11/2001

Did DHS/ICE make assumptions regarding your nationality (i.e. racial profiling or making assumptions about you based on your race or ethnicity)? _____

Were you arrested pursuant to warrant? _____

If yes, what is the title of officer who issued the warrant (e.g., district director): _____

Title of officer who served warrant (e.g., border patrol agent): _____

Grounds for arrest stated in warrant: _____

If no, did ICE have evidence to support conclusion that you would flee before Warrant could be obtained? _____

Did the arresting officer also interrogate you about immigration violations? _____

What was the basis (reason) given for arrest? _____

Were you advised of that basis? _____

What was the custody determination made by the DHS officer: _____

Date of custody determination: _____

Amount of bond set by district director, if any: _____

If no bond, reasons given: _____

Was a request for bond/redetermination of custody made before the Immigration Judge (IJ)? If not, why not? _____

Date of request: _____

Date of bond hearing before IJ: _____

Disposition (if bond, amount of bond set) and reasons given: _____

Was the bond hearing closed to public or press? Any other way the bond hearing was unusual? _____

Did you appeal the IJ's decision to BIA? _____

Date of appeal: _____

Date of BIA hearing: _____

Disposition and reasons given: _____

Did you make any request for stay, automatic or otherwise, of IJ's order? _____

Date of stay request: _____

Disposition of stay request and reasons given: _____

If bond was ultimately set, how does it compare to usual bonds in the area, for that kind of case? _____

Any attempt to post bond? Dates? _____

If rejected, any reasons given? _____

Please describe the circumstances under which you were picked up? What brought you to the attention of ICE? _____

On whose authority were you detained, e.g., FBI? _____

What legal authority was cited for detaining you? (Any mention of "emergency" power, list of X # target countries, or material witness)? _____

Were you detained by any other agencies? Any criminal charges pending or brought? .

Were you apprised of right to attorney at no expense to government? If so, when? _____

Were you given referral list of attorneys to contact? If so, when? _____

Did you request an attorney? If so, when? _____

Date first contacted counsel and date first retained counsel (if different): _____

Any difficulty gaining access to counsel? Reasons? _____

Were you informed of your right to communicate with consular or diplomatic officers of home country? _____

Were consular or diplomatic officers of home country notified of your detention? _____

Has the FBI, ICE or other "government agents" questioned you while in detention? _____

Before detention? _____

What kind of questions did they ask? What did you say? _____

Were you apprised of your right to remain silent? If so, at what point were you apprised of this? _____

Were you apprised that any statements could be used against you in a subsequent proceeding? _____

If you requested counsel prior to or during interrogation or asked to remain silent did request result in suspension or termination of interrogation? _____

REMOVAL/DEPORTATION PROCEEDINGS

Date Notice to Appear (NTA) or Order to Show Cause (OSC) issued: _____

Date NTA/OSC served: _____

Date NTA/OSC filed: _____

Where NTA/OSC filed: _____

Grounds charged in NTA/OSC (Any mention of "terrorism"?): _____

At what stage are proceedings? _____

Any date set for removal hearing? _____

What is ICE saying will happen next? _____

MERITS HEARING:

Relief available? _____

Prospects for it? _____

Entry manner: _____

Have you applied for (or considered) voluntary departure? What happened (disposition)? _____

THANK YOU for taking the time to fill out this questionnaire. Please mail it back to the American Bar Association, Commission on Immigration, 740 Fifteenth Street, NW, 9th Floor, Washington, DC 20005-1022. (Or call the ABA at 202-662-1005 in an emergency.)

NOTE: Do not send any original documents to our office; please only send copies to us. Please keep the originals with you.