

(b)(6),(b)(7)(C)

From: Hale, Brian P
Sent: Thursday, April 24, 2014 1:34 PM
To: (b)(6),(b)(7)(C)
Subject: FW: CORRECTED: FW: ICE Get-Back to NY Times Reporter
Attachments: ICE Facilities Voluntary Work Subcategories 4.23.14.xlsx

Can you share with (b)(6) and get him to clear? (b)(6) just pinged me. Thanks.

Brian P. Hale
Mobile: 202 615 (b)(6)

*Sent from iPhone. Please forgive any typos or autocorrect errors.

-----Original Message-----

From: (b)(6),(b)(7)(C)
Sent: Wednesday, April 23, 2014 06:41 PM Eastern Standard Time
To: (b)(6),(b)(7)(C)
Cc: Hale, Brian P; Johnson, Tac D; (b)(6),(b)(7)(C)
Subject: RE: CORRECTED: FW: ICE Get-Back to NY Times Reporter

Here is the revised spreadsheet and text for a final check.

Please see the attached spreadsheet.

The spreadsheet contains facilities where we are aware that ICE detainees are voluntarily performing work without monetary compensation. In most cases, these detainees receive some form of non-monetary compensation or extra privileges.

Table I is the list of those facilities that may assign a variety of work. Table II is the list of those facilities where unpaid work is limited to cleaning communal housing areas. Note that some of the facilities in Table II also have voluntary work programs in which detainees receive monetary compensation, in addition to those detainees at the facility who do unpaid work cleaning their housing areas.

Custody Management has looked further into the reporter's questions regarding Butler County Jail in the Detroit AOR. The Captain of the facility has verified that ICE detainees do not clean areas outside of their cells or common areas. They do not participate in any work assignments except that one or two ICE detainees may help distribute meals within their pods. ICE detainees participating in meal distribute rotate and change each day. These detainees do not receive monetary compensation.

Please let me know if additional information is required.

(b)(6)

From: (b)(6),(b)(7)(C)
Sent: Wednesday, April 23, 2014 6:23 PM
To: (b)(6),(b)(7)(C)
Cc: Hale, Brian P; Johnson, Tae D; (b)(6),(b)(7)(C)
Subject: RE: CORRECTED: FW: ICE Get-Back to NY Times Reporter

(b) I recommend you delete the Comments columns, which are blank.

I also suggest the addition of one word for greater clarity:

Table II is the list of those facilities where unpaid work is limited to cleaning communal housing areas. Note that some of the facilities in Table II also have voluntary work programs in which detainees receive monetary compensation, in addition to those detainees at the facility who do unpaid work cleaning their housing areas.

From: (b)(6),(b)(7)(C)
Sent: Wednesday, April 23, 2014 6:21 PM
To: Hale, Brian P; (b)(6),(b)(7)(C) Johnson, Tae D; (b)(6),(b)(7)(C)
Subject: CORRECTED: FW: ICE Get-Back to NY Times Reporter

Brian,

Below is the revised e-mail with (b)(6),(C) added note and changes to the titles of the two tables.

From: (b)(6),(b)(7)(C)
Sent: Wednesday, April 23, 2014 6:00 PM
To: Hale, Brian P; (b)(6),(b)(7)(C) Johnson, Tae D; (b)(6),(b)(7)(C)
Subject: ICE Get-Back to NY Times Reporter

Hi, Brian,

Please see the attached spreadsheet.

The spreadsheet contains facilities where we are aware that ICE detainees are voluntarily performing work without monetary compensation. In most cases, these detainees receive some form of non-monetary compensation or extra privileges.

Table I is the list of those facilities that may assign a variety of work. Table II is the list of those facilities where unpaid work is limited to cleaning communal housing areas. Note that some of the facilities in Table II also have voluntary work programs in which detainees receive monetary compensation, in addition to those detainees at the facility who do unpaid work cleaning their housing areas.

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Please let me know if additional information is required.

(b)(6)

From: (b)(6),(b)(7)(C)
Sent: 22 Apr 2014 13:13:07 -0400
To: (b)(6),(b)(7)(C)
Subject: FW: detainee pay for work

(b)(6),(b)(7)(C) Here is the last email I believe that [redacted] sent to the reporter.

(b)(6),(b)(7)(C)
Spokesman/Public Affairs Officer
U.S. Immigration and Customs Enforcement (ICE)
202-732-(b)(7)(C) (office)
202-696-(b)(6) (cell)
[redacted] (b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C)
Sent: Tuesday, April 15, 2014 10:59 AM
To: (b)(6),(b)(7)(C)
Cc:
Subject: RE: detainee pay for work

Here is what (b)(6),(b)(7)(C) has provided to the reporter thus far.

STATEMENT I (response to detainee history)

ICE is committed to sensibly and effectively enforcing our nation's immigration laws. Following the completion of prison term in Texas, Mr. (b)(6),(b)(7)(C) was released to ICE custody. In August, 2013 an immigration judge with DOJ's Executive Office of Immigration Review (EOIR) ordered Mr. (b)(6),(b)(7)(C) removed to Mexico and denied all pending applications for citizenship. Mr. (b)(6),(b)(7)(C) appealed this decision on Sept. 17, 2013. On Feb. 12, 2014, the Board of Immigration Appeals remanded the case to reconsider (b)(6),(b)(7)(C) claim to U. S. citizenship and allow him the opportunity to seek adjustment through his daughter. As such, Mr. (b)(6),(b)(7)(C) is in ICE custody pending the outcome of his case, per a removal order from a DOJ immigration judge.

BACKGROUND

Mr. (b)(6),(b)(7)(C) was admitted to the United States at Tampa, Fla., on May 24, 1990, as a legal permanent resident.

On February 7, 2005, he was convicted in United States District Court, Western District of Michigan for use of communications facility to facilitate drug deal, and sentenced to forty-eight (48) months incarceration. October 18, 2005, he was convicted in 370th District Court Edinburg, Texas for manslaughter, and sentenced to ten years' incarceration.

On July 23, 2010, ICE issued (b)(6),(b)(7)(C) a notice to appear in immigration court as a removable drug offender and aggravated felon.

(b)(6),(b)(7)(C) filed a habeas petition against EOIR on July 6, 2011, but on March 28, 2012, the district court denied his petition due to lack of jurisdiction while (b)(6),(b)(7)(C) remained incarcerated with TDCJ. In the dismissal, the district court also denied (b)(6),(b)(7)(C) motion to be recognized as a U.S. citizen.

On Aug. 2, 2012, (b)(6), (b) was released by the State of Texas to ICE custody at the Houston CDF.

On April 25, 2013, the first of three USC claim memorandums was generated, based on acquisition through (b)(6), (b) adoptive parent, with the ultimate conclusion that (b)(6), (b) did not establish a probative claim to citizenship. A second memorandum was generated on July 22, 2013, based on a claim of acquisition through his mother, with another conclusion that he had not established a probative claim. On Aug. 19, 2013, an updated memorandum was submitted based on additional information from (b)(6), (b) counsel, again with a conclusion that (b)(6), (b) had not established a probative claim.

On Aug. 20, 2013, an immigration judge with DOJ's Executive Office of Immigration Review (EOIR) ordered (b)(6), (b) removed to Mexico and denied all pending applications. (b)(6), (b) appealed this decision on Sept. 17, 2013. On Feb. 12, 2014, the Board of Immigration Appeals remanded the case to reconsider (b)(6), (b) claim to U. S. citizenship and allow him the opportunity to seek adjustment through his daughter.

Secondly, info on the voluntary work program:

STATEMENT II (in response to voluntary work questions)

The Voluntary Work Program, allows detainees to feel productive and contribute to the orderly operation of detention facilities. It was initially developed in an effort to improve detainee morale and reduce the frequency of disciplinary incidents at a facility offering participation in this program. The Voluntary Work Program, which as its name implies is completely voluntary and at the discretion of the detainee, does not constitute employment and is done by detainees on a voluntary basis for a small stipend.

- **How many total detention centers are there where the voluntary work program exists and how many of these centers are run by private companies like CCA?**

In calendar year 2013, 55 of the detention facilities offered Volunteer Work Programs. Twenty-one Volunteer Work Programs were operated by local governments and the remaining programs by private partners.

- **What oversight is in place for detained immigrants taking part in the voluntary work program run by CCA in ICE facilities?**

All ICE detention facilities are required to comply with applicable federal, state and local work safety laws and regulations. Additionally, as participants in a voluntary work program and in accordance with the requirements of the agency's detention standards, ICE affords detainee volunteers basic Occupational Safety and Health Administration (OSHA) protections.

Detainees are provided opportunities to work and earn money while confined, subject to the number of work opportunities available and within the constraints of safety, security and good order. Under the facility's governing detention standards, each facility's staff

determines where and what type of work a detainee may perform while participating in the program; these details are then recorded in a voluntary work program agreement.

As with all facilities housing ICE detainees, CCA facilities undergo periodic reviews and inspections to ensure compliance with the requirements of the relevant detention standards.

- **What are the labor rights of immigrant in the voluntary work program? Are they classified the same way prisoners in federal jails are? If not, how are they classified?** Subject to the number of available work opportunities and within the constraints necessary to ensure the safety, security and good order of the detention facility, adult detainees who are physically and mentally able to work are provided the opportunity to participate in a voluntary work program, if one is available in the facility. The primary factors considered in hiring a detainee volunteer are his or her security classification level and the specific requirements of the volunteer assignment. Volunteering detainees will not be denied work opportunities based on non-merit factors, such as social group, race, religion, sex, physical or mental handicaps, or national origin.

- **What labor protections are afforded them?**

All ICE detention facilities are required to comply with applicable federal, state and local work safety laws and regulations. Additionally, as participants in a voluntary work program and in accordance with the requirements of the agency's detention standards, ICE affords detainee volunteers basic Occupational Safety and Health Administration (OSHA) protections. Facility administrators also implement procedures for immediately and appropriately responding to on-the-job injuries and are expected to immediately notify ICE in such situations.

Detainees participating in the volunteer work program are required to work according to a fixed schedule, not to exceed 40 hours per week and eight hours per day. If a detainee believes that he or she was unfairly removed from a volunteer assignment, the detainee may file a grievance with the local Field Office Director or facility administrator in accordance with ICE's detention standards.

- **Does the lack of work permits of undocumented detainees working in federal ICE prisons run by CCA pose an issue in terms of their employment in the detention centers?**

Under 8 U.S.C. § 1555(d), appropriations for ICE are available for "payment of allowances (at such rate as may be specified from time to time in the appropriation act involved) to aliens, while held in custody under the immigration laws, for work performed. . . ." The appropriations act for Fiscal Year 1979 is the most recent appropriation act in which the amount of this fee has been specified. Specifically, Pub. L. No. 95-431 provided for the "payment of allowances (at a rate not in excess of \$1 per day) to aliens, while held in custody under immigration laws for work performed. . ." 92 Stat. 1021 (1978). The U.S. Court of Appeals for the Fifth Circuit upheld this \$1-per-

day payment in a case alleging that the alien plaintiffs were owed Fair Labor Standards Act-compliant wages. *See Alvarado Guevara, et al. v. INS*, 902 F.2d 394 (5th Cir. 1990) (*per curiam*).

- **Does CCA, or ICE, pay the salary (from my understanding, between \$1-\$3 a day) of immigrant detainees?**

In accordance with the requirements of ICE’s detention standards, detainees should receive a minimum of \$1.00 per day in monetary compensation for work completed. The cost associated with the payment of volunteer workers is dependent upon the facility. For instance, in facilities owned and operated by ICE, the agency pays detainee volunteers at a rate of \$1 per day for their participation in the Voluntary Work Program. Although ICE contractors can elect to provide its volunteer detainees with a higher level of compensation, ICE’s reimbursement to the contractor for such work remains at \$1 per day as provided by law.

Third, your stats questions

- **There are a couple research questions, I hoped you might guide us on. There is a statistic in a story of ours from several years ago. I'd like to update that statistic. I'm wondering if you might have a more recent number we can use. Here is the operative sentence: "In the United States — with almost 400,000 annual detentions in 2010, up from 280,000 in 2005 — private companies now control nearly half of all detention beds, compared with only 8 percent in state and federal prisons, according to government figures." (please provide the figures from 2010 until 2013)**

FY10-FY13 ADP by Facility Owner

The following document was created based on IIDS: IIDS is a data warehouse that contains dynamic data extracts from the Enforcement Integrated Database
 Data Source: FY11-13 data (IIDS as of 10/06/2013; EID data through 10/04/2013). FY10 (IIDS as of 10/08/2012; EID data through 10/5/2012).

Data does not include ORR and MIRP facilities

FY10-FY13 ADP by Facility Owner

Facility Owner	FY13		FY12		FY11		FY10	
	ADP	% of Total	ADP	% of Total	ADP	% of Total	ADP	% of Total
Government	27,875	82%	28,383	83%	27,642	83%	25,389	82%
Private*	5,913	18%	5,908	17%	5,689	17%	5,522	18%

Total	33,788	100%	34,290	100%	33,331	100%	30,911	100%
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*Note: Includes Contract Detention Facilities and other facilities such as hotels and hospitals.

- **We are looking for a rough statistic that would indicate the percent (ballpark) for the number of immigrants detained (in a typical day or year) that have been charged or convicted of a crime aside from the crime of illegally entering the country.**

According to ICE's records at the time of initial book-in, approximately 63 percent of individuals booked into ICE detention facilities have either been charged or convicted of a crime other than immigration-related criminal offenses (e.g., illegal entry, felony re-entry, alien smuggling, false citizenship).

(b)(6),(b)(7)(C)

Press Secretary

U.S. Immigration and Customs Enforcement (ICE)

202-732 (b) (office)

305-970 (6),((cell)

From: (b)(6),(b)(7)(C)

Sent: Tuesday, April 15, 2014 10:56 AM

To: (b)(6),(b)(7)(C)

Subject: RE: detainee pay for work

Hi (b)(6)

I don't think we've met yet. I'll swing by to meet you later this morning.

I'm adding our Deputy Press Secretary (b)(6),(b)(7)(C) who's been dealing with this issue for weeks now. I'm also adding (b)(6),(b)(7)(C) who will be covering for her while she's on vacation beginning this afternoon.

Here are a few bullets on the story:

- NY Times reporter (b)(6),(b)(7)(C) is writing a story regarding detainees participating in ICE's Voluntary Work Program.
- Ian has spoken with numerous detainees to include those detained in Etowah, Yuba, Erwin, Houston and Tacoma. Detainees' allegations range from receiving no monetary compensation for work (i.e., they're allegedly compensated with snacks or extra

recreational time) to getting paid \$1 per day. Some, who receive monetary compensation, say that they're asked to work extra shifts in exchange for non-monetary compensation (i.e., they're allegedly compensated with snacks or extra rec time).

- (b)(6), (b)(7)(C) is requesting the list of ICE's 250 facilities and a breakdown of which facilities pay \$1 per day, which offer non-monetary compensation and which offer nothing at all.
- He is profiling four cases. We are working with ERO to obtain individual summaries.

Please let me know if you have questions. We will keep you posted on developments.

(b)(6), (b)(7)(C)

Press Secretary

U.S. Immigration and Customs Enforcement (ICE)

202-732 (b) (office)

305-970 (6), (cell)

From: (b)(6), (b)(7)(C)

Sent: Tuesday, April 15, 2014 10:40 AM

To: (b)(6), (b)(7)(C)

Subject: detainee pay for work

H (b)(6), (b)(7)(C)

(b) asked me to get up to speed on the NYT story about detainee pay for work and the issue generally. Do you have any background materials, etc. that you could send me. So far, I just know a little from what I've heard in meetings. Thanks.

(b)(6), (b)(7)(C)

p.s. cute shoes today. ☺

(b)(6), (b)(7)(C)

Senior Counsel, Office of the Director

U.S. Immigration and Customs Enforcement

500 12th Street SW STOP 5900 | Washington, DC 20536-5900

Desk: 202.732 (b)(6), (b)(7)(C)

JWICS (b)(6), (b)(7)(C)
SIPR:

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From: (b)(6),(b)(7)
Sent: 24 May 2014 22:16:00 -0400
To: Ragsdale, Daniel H; (b)(6),(b)(7)(C) Homan, Thomas
Cc: Robbins, Timothy S; Johnson, Tae D; (b)(6),(b)(7)(C); (b)(6),(b)(7)(C)
Subject: Fw: Front page NY Times story tomorrow: "Using Jailed Migrants as a Pool of Cheap Labor"

The NY Times is running on its front page tomorrow the story about voluntary work programs at ICE detention facilities. The link is below, and the contents are pasted into the e-mail after that.

The slant is unsurprising: coercion and exploitation.

From: (b)(6),(b)(7)(C)
Sent: Saturday, May 24, 2014 09:51 PM
To: (b)(6),(b)(7)(C)
Subject: Front page NY Times story tomorrow: "Using Jailed Migrants as a Pool of Cheap Labor"

<http://www.nytimes.com/2014/05/25/us/using-jailed-migrants-as-a-pool-of-cheap-labor.html?hpw&rref=us>

Using Jailed Migrants as a Pool of Cheap Labor

By IAN URBINAMAY 24, 2014

HOUSTON — The kitchen of the detention center here was bustling as a dozen immigrants boiled beans and grilled hot dogs, preparing lunch for about 900 other detainees. Elsewhere, guards stood sentry and managers took head counts, but the detainees were doing most of the work — mopping bathroom stalls, folding linens, stocking commissary shelves.

As the federal government cracks down on immigrants in the country illegally and forbids businesses to hire them, it is relying on tens of thousands of those immigrants each year to

provide essential labor — usually for \$1 a day or less — at the detention centers where they are held when caught by the authorities.

This work program is facing increasing resistance from detainees and criticism from immigrant advocates. In April, a lawsuit accused immigration authorities in Tacoma, Wash., of putting detainees in solitary confinement after they staged a work stoppage and hunger strike. In Houston, guards pressed other immigrants to cover shifts left vacant by detainees who refused to work in the kitchen, according to immigrants interviewed here.

Photo



"I went from making \$15 an hour as a chef to \$1 a day in the kitchen in lockup. And I was in the country legally," said Pedro Guzmán, 34, a native of Guatemala who worked for several years in restaurants in California, Minnesota and North Carolina before he was picked up and held for about 19 months. His asylum visa had been mistakenly revoked, in part because of a clerical error.

The federal authorities say the program is voluntary, legal and a cost-saver for taxpayers. But immigrant advocates question whether it is truly voluntary or lawful, and argue that the government and the private prison companies that run many of the detention centers are bending the rules to convert a captive population into a self-contained labor force.

Last year, at least 60,000 immigrants worked in the federal government's nationwide patchwork of detention centers — more than worked for any other single employer in the country, according to data from United States Immigration and Customs Enforcement, known as ICE. The cheap labor, 13 cents an hour, saves the government and the private companies \$40 million or more a year by allowing them to avoid paying outside contractors the \$7.25 federal minimum wage. Some immigrants held at county jails work for free, or are paid with sodas or candy bars, while also providing services like meal preparation for other government institutions.

Unlike inmates convicted of crimes, who often participate in prison work programs and forfeit their rights to many wage protections, these immigrants are civil detainees placed in holding centers, most of them awaiting hearings to determine their legal status. Roughly half of the people who appear before immigration courts are ultimately permitted to stay in the United States — often because they were here legally, because they made a compelling humanitarian argument to a judge or because federal authorities decided not to pursue the case.

“I went from making \$15 an hour as a chef to \$1 a day in the kitchen in lockup,” said Pedro Guzmán, 34, who had worked for restaurants in California, Minnesota and North Carolina before he was picked up and held for about 19 months, mostly at Stewart Detention Center in Lumpkin, Ga. “And I was in the country legally.”

Mr. Guzmán said that he had been required to work even when he was running a fever, that guards had threatened him with solitary confinement if he was late for his 2 a.m. shift, and that his family had incurred more than \$75,000 in debt from legal fees and lost income during his detention. He was released in 2011 after the courts renewed his asylum visa from Guatemala, which had mistakenly been revoked, in part because of a clerical error. He has since been granted permanent residency.

Claims of Exploitation

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Officials at private prison companies declined to speak about their use of immigrant detainees, except to say that it was legal. Federal officials said the work helped with morale and discipline and cut expenses in a detention system that costs more than \$2 billion a year.

“The program allows detainees to feel productive and contribute to the orderly operation of detention facilities,” said Gillian M. Christensen, a spokeswoman for the immigration agency. Detainees in the program are not officially employees, she said, and their payments are stipends, not wages. No one is forced to participate, she added, and there are usually more volunteers than jobs.

Marian Martins, 49, who was picked up by ICE officers in 2009 for overstaying her visa and sent to Etowah County Detention Center in Gadsden, Ala., said work had been her only ticket out of lockdown, where she was placed when she arrived without ever being told why.

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Detained Immigrants, Working for the U.S.

Every day, about 5,500 detained immigrants work in the nation’s immigration detention centers. Some are paid a dollar a day; others earn nothing. The locations shown are facilities that the federal government reimburses for this work.

Buffalo Federal Detention Facility
BATAVIA, N.Y.
195 workers
Northwest Detention Center

TACOMA, WASH.
346 workers
Number of workers on April 1, 2014
Houston Contract Detention Facility
HOUSTON
288 workers
300
Privately run center
Public facility (like county jails)
10

Ms. Martins said she had worked most days cooking meals, scrubbing showers and buffing hallways. Her only compensation was extra free time outside or in a recreational room, where she could mingle with other detainees, watch television or read, she said.

“People fight for that work,” said Ms. Martins, who has no criminal history. “I was always nervous about being fired, because I needed the free time.”

Ms. Martins fled Liberia during the civil war there and entered the United States on a visitor visa in 1990. She stayed and raised three children, all of whom are American citizens, including two sons in the Air Force. Because of her deteriorating health, she was released from detention in August 2010 with an electronic ankle bracelet while awaiting a final determination of her legal status.

Natalie Barton, a spokeswoman for the Etowah detention center, declined to comment on Ms. Martins’s claims but said that all work done on site by detained immigrants was unpaid, and that the center complied with all local and federal rules.

The compensation rules at detention facilities are remnants of a bygone era. A 1950 law created the federal Voluntary Work Program and set the pay rate at a time when \$1 went much further. (The equivalent would be about \$9.80 today.) Congress last reviewed the rate in 1979 and opted not to raise it. It was later challenged in a lawsuit under the Fair Labor Standards Act, which sets workplace rules, but in 1990 an

appellate court upheld the rate, saying that “alien detainees are not government ‘employees.’ ”

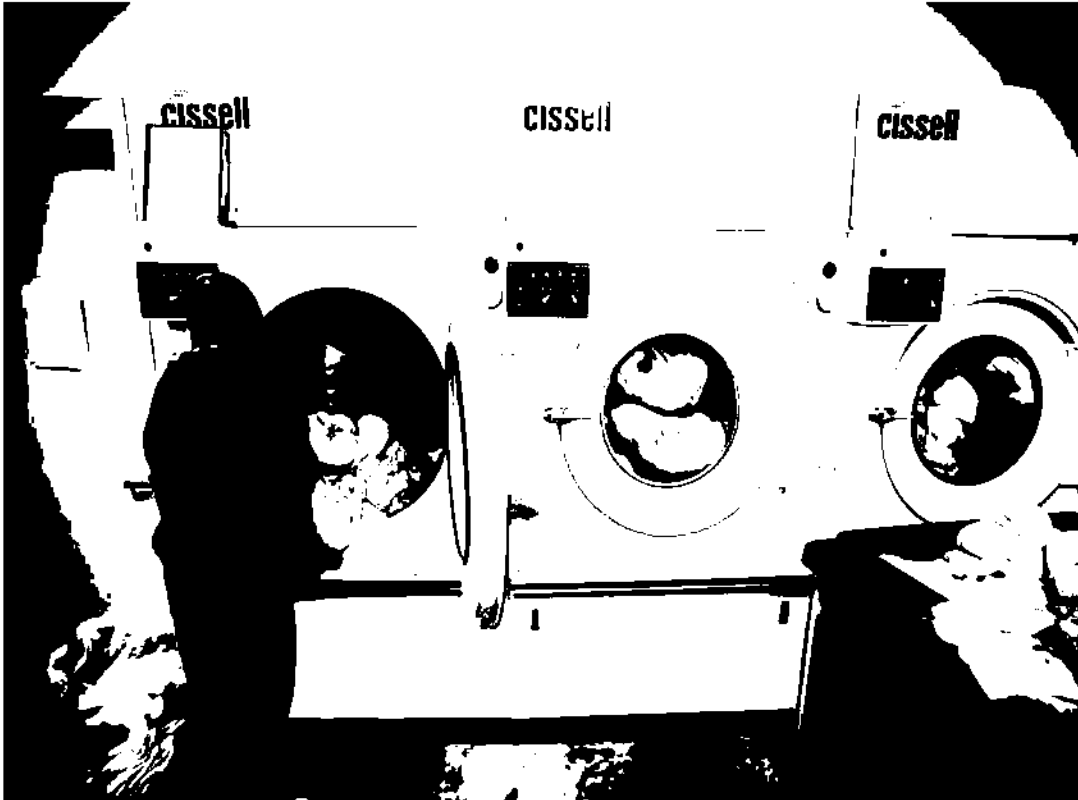
Immigrants in holding centers may be in the country illegally, but they may also be asylum seekers, permanent residents or American citizens whose documentation is questioned by the authorities. On any given day, about 5,500 detainees out of the 30,000-plus average daily population work for \$1, in 55 of the roughly 250 detention facilities used by ICE. Local governments operate 21 of the programs, and private companies run the rest, agency officials said.

These detainees are typically compensated with credits toward food, toiletries and phone calls that they say are sold at inflated prices. (They can collect cash when they leave if they have not used all their credits.) “They’re making money on us while we work for them,” said Jose Moreno Olmedo, 25, a Mexican immigrant who participated in the hunger strike at the Tacoma holding center and was released on bond from the center in March. “Then they’re making even more money on us when we buy from them at the commissary.”

A Legal Gray Area

Some advocates for immigrants express doubts about the legality of the work program, saying the government and contractors are exploiting a legal gray area.

Photo



Immigrants in the laundry room at a detention center in Houston.

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“This in essence makes the government, which forbids everyone else from hiring people without documents, the single largest employer of undocumented immigrants in the country,” said Carl Takei, a lawyer with the American Civil Liberties Union’s [National Prison Project](#).

Jacqueline Stevens, a professor of political science at Northwestern University, said she believed the program violated the 13th Amendment, which abolished slavery and involuntary servitude except as punishment for crime. “By law, firms contracting with the federal government are supposed to match or increase local wages, not commit wage theft,” she said.

Immigration officials underestimate the number of immigrants involved and the hours they work, Professor Stevens added. Based on extrapolations from ICE contracts she has reviewed, she said, more than 135,000 immigrants a year may be involved, and private prison companies and the government may be avoiding paying more than \$200 million in wages that outside employers would collect.

A 2012 report by the A.C.L.U. Foundation of Georgia described immigrants' being threatened with solitary confinement if they refused certain work. Also, detainees said instructions about the program's voluntary nature were sometimes given in English even though most of the immigrants do not speak the language.

Eduardo Zuñiga, 36, spent about six months in 2011 at the Stewart Detention Center in Georgia, awaiting deportation to Mexico. He had been detained after being stopped at a roadblock in the Atlanta area because he did not have a driver's license and because his record showed a decade-old drug conviction for which he had received probation.

At Stewart, Mr. Zuñiga worked in the kitchen and tore ligaments in one of his knees after slipping on a newly mopped floor, leaving him unable to walk without crutches. Despite doctors' orders to stay off the leg, Mr. Zuñiga said, the guards threatened him with solitary confinement if he did not cover his shifts. Now back in Mexico, he said in a phone interview that he must walk with a leg brace.

Gary Mead, who was a top ICE administrator until last year, said the agency scrutinized contract bids from private companies to ensure that they did not overestimate how much they could depend on detainees to run the centers.

Detainees cannot work more than 40 hours a week or eight hours a day, according to the agency. They are limited to work that directly contributes to the operation of their detention

facility, said Ms. Christensen, the agency spokeswoman, and are not supposed to provide services or make goods for the outside market.

But that rule does not appear to be strictly enforced.

Photo



Immigrants in the kitchen at a detention center in Richmond, Calif. Last year, at least 60,000 detainees worked in such facilities.

At the Joe Corley Detention Facility north of Houston, about 140 immigrant detainees prepare about 7,000 meals a day, half of which are shipped to the nearby Montgomery County jail. Pablo E. Paez, a spokesman for the GEO Group, which runs the center, said his company had taken it over from the county in 2013 and was working to end the outside meal program.

Near San Francisco, at the Contra Costa West County Detention Facility, immigrants work alongside criminal inmates to cook about 900 meals a day that are packaged and trucked to a county homeless shelter and nearby jails.

A Booming Business

While President Obama has called for an overhaul of immigration law, his administration has deported people — roughly two million in the last five years — at a faster pace than any of his predecessors. The administration says the sharp rise in the number of detainees has been partly driven by a requirement from Congress that ICE fill a daily quota of more than 30,000 beds in detention facilities. The typical stay is about a month, though some detainees are held much longer, sometimes for years.

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Continue reading the main story

Detention centers are low-margin businesses, where every cent counts, said Clayton J. Mosher, a professor of sociology at Washington State University, Vancouver, who specializes in the economics of prisons. Two private prison companies, the Corrections Corporation of America and the GEO Group, control most of the immigrant detention market. Many such companies struggled in the late 1990s amid a glut of private prison construction, with more facilities built than could be filled, but a spike in immigrant detention after Sept. 11 helped revitalize the industry.

The Corrections Corporation of America's revenue, for example, rose more than 60 percent over the last decade, and its stock price climbed to more than \$30 from less than \$3. Last year, the company made \$301 million in net income and the GEO Group made \$115 million, according to earnings reports.

Prison companies are not the only beneficiaries of immigrant labor. About 5 percent of immigrants who work are unpaid, ICE data show. Sheriff Richard K. Jones of Butler County,

Ohio, said his county saved at least \$200,000 to \$300,000 a year by relying on about 40 detainees each month for janitorial work. "All I know is it's a lot of money saved," he said.

CONTINUE READING THE MAIN STORY

MARK KRIKORIAN, EXECUTIVE DIRECTOR OF THE CENTER FOR IMMIGRATION STUDIES, AN ADVOCACY GROUP THAT PROMOTES GREATER CONTROLS ON IMMIGRATION, SAID THAT WITH PROPER MONITORING, THE PROGRAM HAD ITS ADVANTAGES, AND THAT THE CRITICISMS OF IT WERE PART OF A LARGER EFFORT TO DELEGITIMIZE IMMIGRATION DETENTION.

SOME IMMIGRANTS SAID THEY APPRECIATED THE CHANCE TO WORK. MINSU JEON, 23, A SOUTH KOREAN NATIVE WHO WAS FREED IN JANUARY AFTER A MONTHLONG STAY AT AN IMMIGRATION DETENTION CENTER IN OCILLA, GA., SAID THAT WHILE HE THOUGHT THE PAY WAS UNFAIR, WORKING AS A COOK HELPED PASS THE TIME.

"THEY DON'T FEED YOU THAT MUCH," HE ADDED, "BUT YOU COULD EAT FOOD IF YOU WORKED IN THE KITCHEN."

From: (b)(6),(b)(7)(C)
Sent: 14 Jan 2013 18:02:26 -0500
To: (b)(6),(b)(7)(C)
Subject: Fw: ICE OPA COB 1-14-13

Please see below from Gary Mead

From: (b)(6),(b)(7)(C)
Sent: Monday, January 14, 2013 06:01 PM
To: Mead, Gary
Subject: Re: ICE OPA COB 1-14-13

Hello sir, I will mention it to (b)(6) since this duty rotates among the HQ PAOs. We do try to list notable items up front when we have something significant to report regardless of the component. Today I left out the notable section since there was nothing of big significance to report. (b)(6)

From: Mead, Gary
Sent: Monday, January 14, 2013 05:48 PM
To: (b)(6),(b)(7)(C)
Subject: RE: ICE OPA COB 1-14-13

H (b)(6),(b)(7)(C)

I know HSI frequently has more than ERO and sometimes, ERO doesn't have anything that rises to this level. When ERO does have some things, can we be listed first?

From: (b)(6),(b)(7)(C)
Sent: Monday, January 14, 2013 5:16 PM
To: #ICE-OPA-COB
Subject: ICE OPA COB 1-14-13



OFFICE OF PUBLIC AFFAIRS
Daily Close of Business Report
January 14, 2013

Compiled by (b)(6),(b)(7)(C)

Homeland Security Investigations

HSI – National/Boston: Anticipated sentencing hearing of El Salvadoran human rights violator, *New York Times*, *AP Spanish World Newsdesk*, *Miami Herald*

PAO provided information, publicly available/filed with the court related to the case of (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) to reporters who have covered the Human Rights Violators and War Crimes Center's (HRVWCC) efforts in targeting former high ranking military officials during the 12-year El Salvadoran civil war. (b)(6),(b)(7)(C) pleaded guilty in Boston to fraud, misuse, of visas, permits, and other documents, and violations of perjury. The HRVWCC previously identified former Salvadoran military members as suspected HRVs accused of ordering, participating or obstructing the investigation of individuals involved in the extrajudicial killings of six Jesuit priests, their housekeeper and her daughter in El Salvador on Nov. 16, 1989. (b)(6),(b)(7)(C) is one of the subjects suspected of participation in the operation. New York Times reporter requested interview with someone from HRVWCC. (b)(6),(b)(7)(C)

HSI – National: Jamaican telemarketing fraud, Dan Rather Reports, CBS Network
Dan Rather Reports producer conducted background interview with **OIA Ops Chief** (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) regarding Jamaican telemarketing fraud and JOLT and are now requesting on-the-record interview. CBS Network also called to follow up about status of questions asked by investigative producer in order to do a similar story (b)(6),(b)(7)(C)

HSI – New York: Human Trafficking, media advisory
PAO pitched human trafficking awareness month to various media in NYC AOR. **Proactive** (b)(6),(b)(7)(C) (b)(6),(b)(7)(C)

HSI -- Tallahassee, Fla.: Human trafficking, ABC affiliate
Tallahassee RAC (b)(6),(b)(7)(C) was a guest on the *ABC affiliate's* noon show. He shared human trafficking information with the station's viewers and directed viewers to report suspicious activity to ICE's tip line (b)(6),(b)(7)(C)

HSI – Newark: Human Trafficking Month interview, WGHT Radio, N.J.
Newark SAC Andrew McLees interviewed by station news director about human trafficking. Provided stats, talked about victim-centric approach to investigations, and provided Tipline number. (b)(6),(b)(7)(C) **Proactive**

Enforcement and Removal Operations

ERO – Lexington, Ky.: Fugitive operations arrests, news release
PAO drafted and issued a news release announcing the arrest of 39 criminal aliens and fugitives in Lexington during a 2-day operation (b)(6),(b)(7)(C) **Proactive**

ERO – Shreveport, La.: Removal statistics, NBC Shreveport
PAO responded to query on background by providing Louisiana 2012 ERO removal stats from the HQ national release. Reporter is working on a larger story about Louisiana immigration trends; PAO did not issue any statement at this time, but reporter indicated she may have questions later this week for an on-the-record response. (b)(6),(b)(7)(C)

ERO – Miami: Tour of Broward Transition Center, the Nation
PAO staffed a tour of BTC with (b)(6),(b)(7)(C), a freelance reporter working for *The Nation*. The reporter is being given a familiarization tour. No on-the-record interviews were given by ICE. (b)(6),(b)(7)(C)

ERO – Atlanta: Alien inquiry, *Atlanta Journal Constitution*

Reporter requested ICE comment on the case of (b)(6),(b)(7)(C) a Mexican citizen with a final order who was released on electronic monitoring following a December traffic stop after he made a credible fear claim. Activists are claiming that ICE released (b)(6),(b)(7)(C) due to their efforts to highlight him as a low priority case. PAO is coordinating a response with ERO and Privacy.

(b)(6),(b)(7)(C)

Strategic Communications

ICE.gov: View last week's top five news stories, which feature news releases about Director John Morton attending the opening of the new European Cybercrime Centre in The Hague; a Chinese national who pleaded guilty to conspiracy to commit criminal copyright infringement and wire fraud in a \$100 million conspiracy; the return of an Etruscan artifact to the Italian government following a transfer ceremony; the arrests of 97 criminal aliens and immigration fugitives following a four-day operation in Michigan; a New Jersey sex offender sentenced to life in prison.

View this week's top story, which highlights ICE's role in the premiere of Discovery Channel's *Extreme Smuggling*, airing Monday's at 8/7c through Feb. 4.

Social Media: Read new stories on ICE's Facebook page and Twitter feed.

Intranet: View this week's Did You Know, which notifies employees of tomorrow's program honoring Dr. Martin Luther King Jr.

View this week's top story, which highlights ICE's role in the premiere of Discovery Channel's *Extreme Smuggling*, airing Monday's at 8/7c through Feb. 4.

View this week's Employee Spotlight, a series which highlights the great work that our fellow employees do, both in and out of the office. This week's Employee Spotlight features HSI's (b)(6),(b)(7)(C) who volunteers with Honor Flight Chicago, a group that shows its respect to WWII veterans by flying them to Washington, D.C. to visit the National WWII Memorial.

View this week's ICE in Action, which features stories about the dismantling by HSI of a massive international cyber-theft conspiracy; the arrests by ERO of 97 people during a 4-day operation targeting criminal aliens and immigration fugitives in West Michigan; an extensive HSI investigation resulting in the repatriation of an ancient artifact to Italy.

Operations Anticipated/Scheduled Interviews and Events

Tuesday, Jan. 15 – HSI San Diego SAC Benner will attend a news conference led by the USAO in San Diego to announce the guilty plea entered by an oncologist and his medical practice in connection with charges of selling and dispensing unapproved cancer drugs while billing Medicare at inflated prices and pocketing the profits. The FDA and FBI will also attend.

Tuesday, Jan. 15 – NBC New Orleans and the Times Picayune will interview **New Orleans ASAC** (b)(6),(b)(7)(C) about HSI initiatives to combat human trafficking in the New Orleans area surrounding the Super Bowl.

Tuesday, Jan. 15 **HSI DC SA** (b)(6),(b)(7)(C) will be interviewed by a reporter from Washingtonian Magazine about juvenile sex trafficking in Northern Virginia and ICE's role in these investigations. The story is focused on the gang-controlled juvenile sex trafficking cases that have come out of Northern Virginia in recent years.

Tuesday, Jan. 15 – A Salvadoran man, now living in Massachusetts, will be sentenced for making false statements on immigration forms and committing perjury in order to remain in the United States. PAO is working on scheduling a media availability with **Boston SAC Bruce M. Foucart** and the U.S. attorney for the District of Massachusetts.

Wednesday, Jan. 16 – **HSI San Diego SAC Benner** will participate in a community forum in Alpine, Calif., sponsored the U.S. Border Patrol in San Diego. The purpose of the forum is to discuss border security issues and address questions about enforcement in the border area in San Diego's East County. Several state and local law enforcement agencies will also attend. HSI will provide information about our human trafficking enforcement strategies, including the victim witness program and BEST.

Wednesday, Jan. 16 – PAO will staff a background interview with **SAC James T. Hayes Jr.** and a Television Producer for True North productions. The interview is to gather information about a fossil smuggling case and the guilty plea of (b)(6),(b)(7)(C)

Thursday, Jan. 17 – **LA DSAC** (b)(6),(b)(7)(C) will attend the evening premier of a locally produced documentary called "Teen Sex 4 Sale" and participate in a follow-up news conference with the San Bernardino County District Attorney and U.S. Attorney to discuss joint law enforcement efforts to combat human trafficking.

Thursday, Jan. 17 – **Boston SAC Bruce M. Foucart**, the FBI and the U.S. attorney for the District of Massachusetts are tentatively scheduled to hold a press conference on numerous gang arrests in the Boston-area.

Thursday, Jan. 17 – **Atlanta SAC Brock Nicholson** and USA (b)(6),(b)(7)(C) will announce the results of (b)(7)(E) in Savannah. The multi-state operation is expected to result in the arrest of multiple individuals for sex trafficking, the rescue of five to eight victims and numerous arrests of customers for Mann Act violations. ~~Law Enforcement Sensitive~~

Friday, Jan. 18 (tentative) – **LA SAC Claude Arnold** will join the San Bernardino County District Attorney and at least one local victim of sex trafficking at KABC studios to tape a half-hour program called "Newsmakers" discussing ongoing efforts to combat human trafficking in the Los Angeles area in conjunction with Human Trafficking Awareness Month. The show would air Sunday morning.

(b)(6),(b)(7)

Public Affairs

U.S. Immigration and Customs Enforcement (ICE)

(b)(6),(b)(7)(C)

202-732 (b) office

813-230 (6),(cell

From: (b)(6),(b)(7)(C)
Sent: 27 May 2014 14:38:44 -0400
To: (b)(6),(b)(7)(C)
Subject: FW: ICE Voluntary Work Program

FYI (b)(6)

This is in response to Sunday's New York Time article.

E

From: (b)(6),(b)(7)(C)
Sent: Tuesday, May 27, 2014 2:30 PM
To: (b)(6),(b)(7)(C)
Subject: Re: ICE Voluntary Work Program

Dear (b)(6),(b)(7)(C)

I would like to know more details about how the ICE's Volunteer Work Program for detainees who get 1\$ a day for their work. The New York Times published a story today on that (<http://www.nytimes.com/2014/05/25/us/using-jailed-migrants-as-a-pool-of-cheap-labor.html>) and about the growing complaints of the detainees who participate in this program. I would like to get ICE's comments on how the program works, the benefits of the program and the changes over the years if there was any-

Thank you

(b)(6),(b)(7)(C)

Efe News

On Tue, May 27, 2014 at 11:06 AM, (b)(6),(b)(7)(C) > wrote:
Dear (b)(6),(b)(7)(C), the New York Times is running a story on the ICE's Voluntary Work Program. We want to do a follow up on this. Can someone comment on how this program works, whether is there any public record of complaints for this program?

Thank you very much,

(b)(6),(b)(7)(C)

Correspondent
Efe News Services
1220 National Press Building
529 14 street, NW.
Washington D.C. 20004
202-745-(b)(6) - office
202-308-(b)(6) - cell
PGP Key > <http://bit.ly/1bupdpq>

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A multimedia news company with a network of journalists worldwide, more than 3,000 professionals of 60 nationalities working 24 hours a day in over 181 cities in 120 countries.

×

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[redacted]
(C)

Correspondent

Efe News Services

1220 National Press Building.

529 14 street, NW.

Washington D.C. 20004

202-745-[redacted] - office

202-308-[redacted] - cell

PGP Key > <http://bit.ly/1bupdpg>

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A multimedia news company with a network of journalists worldwide, more than 3,000 professionals of 60 nationalities working 24 hours a day in over 181 cities in 120 countries.

×

From: (b)(6), (b)(7)(C)
Sent: 9 Apr 2014 11:55:54 -0400
To: (b)(6), (b)(7)(C)
Cc: Hale, Brian P; (b)(6), (b)(7)(C)
Subject: FW: Methodology memo.

(b)(6), (b)(7)(C)

FYI on the below.

From: (b)(6), (b)(7)(C)
Sent: Wednesday, April 09, 2014 9:49 AM
To: (b)(6), (b)(7)(C) Johnson, Tae D; (b)(6), (b)(7)(C) Rapp, Marc A
Cc: Homan, Thomas; Robbins, Timothy S; Miller, Philip T; Hale, Brian P; (b)(6), (b)(7)(C)
Subject: RE: Methodology memo.

(b)(6), (

With respect to Question #2:

2) How much does the federal government (and private companies) save by not paying outside contractors to do this same work for minimum wage?

(b)(6)

1) How many total immigrants participate in the program annually?

My calculation: You mentioned that on any given day roughly 5,500 immigrants participate in the work program. You also mentioned that the average length of stay was about a month. That would equate to at least 65,000 immigrants per year participating in the program.

(b)(5)

From: (b)(6),(b)(7)(C)

Sent: Wednesday, April 09, 2014 8:34 AM

To: Johnson, Tae D; (b)(6),(b)(7)(C); (b)(6),(b)(7)(C) M; Rapp, Marc A

Cc: Homan, Thomas; Robbins, Timothy S; Miller, Philip T; Hale, Brian P; (b)(6),(b)(7)(C)

Subject: RE: Methodology memo.

Thanks Tae. The reporter understands that it's strictly voluntary but his real focus is on comparing/contrasting the benefit to the taxpayers of detainees performing facility services versus private companies benefitting off of low wages. Hence, if there are any other factors you can think of as highlighted below that we could share in terms of his calculations being off-base, that would be extremely helpful.

Thanks!

(b)(6),
(b)(7)(C)

From: Johnson, Tae D

Sent: Wednesday, April 09, 2014 8:22 AM

To: (b)(6),(b)(7)(C) Rapp, Marc A

Cc: Homan, Thomas; Robbins, Timothy S; Miller, Philip T; Hale, Brian P; (b)(6),(b)(7)(C)

Subject: RE: Methodology memo.

(b)(5)

-----Original Message-----

From: (b)(6),(b)(7)(C)

Sent: Tuesday, April 08, 2014 12:40 PM Eastern Standard Time

To: (b)(6),(b)(7)(C) Johnson, Tae D; (b)(6),(b)(7)(C) Rapp, Marc A

Cc: Homan, Thomas; Robbins, Timothy S; Miller, Philip T; Hale, Brian P; (b)(6),(b)(7)(C)

Subject: FW: Methodology memo.

Folks –

Any thoughts on the below? Any red flags on his thinking? This is the NYT reporter (b)(6),(b)(7) for his story on the Voluntary Work Program.

Thanks!

(b)(6)

PS: He said he interviewed Gary Mead for the piece.

From: (b)(6),(b)(7)(C)

Sent: Tuesday, April 08, 2014 12:14 PM

To: (b)(6),(b)(7)(C)

Subject: Methodology memo.

(b)(6),(b)

As we discussed on the phone, we want to get a handle on some of the economic benefits of the program.

So, I want to run these basic calculations by you so that if you see any methodological issues you have a chance to flag them.

1) How many total immigrants participate in the program annually?

My calculation: You mentioned that on any given day roughly 5,500 immigrants participate in the work program. You also mentioned that the average length of stay was about a month. That would equate to at least 65,000 immigrants per year participating in the program.

2) How much does the federal government (and private companies) save by not paying outside contractors to do this same work for minimum wage?

My calculation: You explained that participants in the program are typically paid \$1 per day. You also said that they are not permitted to work more than 40 hours a week.

First, we know that in the most expensive of scenarios, 5,500 total workers x 40 hour week x 52 weeks x \$7.25 per hour min wage = \$82.9 million.

Next, we know that in the less expensive scenario: 5,500 total workers x 20 hour week x 52 weeks x \$7.25 per hour min wage = \$41 million

This would mean that while actual expenses could be higher (since we do not account for the costs of health and unemployment insurance, pension, social security, nor do we factor in the fact that these jobs would likely be paid above min. wage) and it could be lower (since

some workers may work less than 20 hours. However, a safe and conservative range for how much it would cost to have this work done by outside contractors is roughly between \$40-80 million annually.

How much does it actually cost currently to have this work done? 365 days a year with roughly 5,500 workers handling a minimum of four hour shifts per day equates to about 2 million shifts or roughly \$2 million in average cost per year.

This means that it currently takes \$2 million per year to get this work done whereas it would otherwise take between \$40 and \$80 million per year (were the work done by employees at minimum wage).

Ian

--

(b)(6),(b)(7)(C)

The New York Times

202 370 (b)(6)

(b)(6),(b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: 25 May 2014 03:13:08 +0000
To: Hale, Brian P (b)(6), (b)(7)(C)
Subject: Fw: NYT: Using Jailed Migrants as a Pool of Cheap Labor

----- Original Message -----

From: (b)(6), (b)(7)
Sent: Saturday, May 24, 2014 11:12 PM
To: Media Inquiry
Subject: NYT: Using Jailed Migrants as a Pool of Cheap Labor

New York Times: Using Jailed Migrants as a Pool of Cheap Labor
<http://mobile.nytimes.com/2014/05/25/us/using-jailed-migrants-as-a-pool-of-cheap-labor.html?referrer=>

HOUSTON — The kitchen of the detention center here was bustling as a dozen immigrants boiled beans and grilled hot dogs, preparing lunch for about 900 other detainees. Elsewhere, guards stood sentry and managers took head counts, but the detainees were doing most of the work — mopping bathroom stalls, folding linens, stocking commissary shelves.

As the federal government cracks down on immigrants in the country illegally and forbids businesses to hire them, it is relying on tens of thousands of those immigrants each year to provide essential labor usually for \$1 a day or less at the detention centers where they are held when caught by the authorities.

This work program is facing increasing resistance from detainees and criticism from immigrant advocates. In April, a lawsuit accused immigration authorities in Tacoma, Wash., of putting detainees in solitary confinement after they staged a work stoppage and hunger strike. In Houston, guards pressed other immigrants to cover shifts left vacant by detainees who refused to work in the kitchen, according to immigrants interviewed here.

The federal authorities say the program is voluntary, legal and a cost-saver for taxpayers. But immigrant advocates question whether it is truly voluntary or lawful, and argue that the government and the private prison companies that run many of the detention centers are bending the rules to convert a captive population into a self-contained labor force.

Last year, at least 60,000 immigrants worked in the federal government's nationwide patchwork of detention centers — more than worked for any other single employer in the country, according to data from United States Immigration and Customs Enforcement, known as ICE. The cheap labor, 13 cents an hour, saves the government and the private companies \$40 million or more a year by allowing them to avoid paying outside contractors the \$7.25 federal minimum wage. Some immigrants held at county jails work for free, or are paid with sodas or candy bars, while also providing services like meal preparation for other government institutions.

Unlike inmates convicted of crimes, who often participate in prison work programs and forfeit their rights to many wage protections, these immigrants are civil detainees placed in holding centers, most of them awaiting hearings to determine their legal status. Roughly half of the people who appear before immigration courts are ultimately permitted to stay in the United States — often because they were here legally, because they made a compelling humanitarian argument to a judge or because federal authorities decided not to pursue the case.

“I went from making \$15 an hour as a chef to \$1 a day in the kitchen in lockup,” said Pedro Guzmán, 34, who had worked for restaurants in California, Minnesota and North Carolina before he was picked up and held for about 19 months, mostly at Stewart Detention Center in Lumpkin, Ga. “And I was in the country legally.”

