

RAICES: Immigration and Customs improperly denying migrants access to free lawyers

John C. Moritz, Corpus Christi Caller Times Published 2:56 p.m. CT May 8, 2019 | Updated 5:13 p.m. CT May 8, 2019

Immigration and Customs Enforcement says policy changes were needed because of population increases, but disputes assertion that detainees are denied legal assistance.

An organization that provides free legal assistance to migrants detained in federal immigration detention centers says recent policy changes at a facility in South Texas have limited the ability of lawyers to work with people needing legal aid.

Lawyers affiliated with the nonprofit [Refugee and Immigrant Center for Education and Legal Services](https://www.raicestexas.org/) (<https://www.raicestexas.org/>), or RAICES, said the policy changes at the center in Karnes County run counter to U.S. Immigration and Customs Enforcement detention standards and improperly deny migrants legal services.



CALLER-TIMES ARCHIVE In this July 31, 2014 file photo, a suggestion box hangs on the wall at the Karnes County Residential Center. Officials in Jim Wells County are considering opening a similar facility in San Diego. (Photo: Eric Gay)

"We request that ICE immediately address changes in policies and practice that have made this statutory right to consultation impossible for many persons detained at Karnes who seek to consult with RAICES and pro bono volunteers," according to a letter signed by a RAICES program director of five volunteer lawyers.

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The eight-page letter asserts that staff at Karnes is not allowing lawyers to meet with detainees in their rooms and have delayed detainees from meeting with lawyers. The letter also says RAICES teams have not been permitted to enter the Karnes rooms to meet with detainees "until there was a 1 to 1 ratio of prospective or current clients available to meet with each person on our team."

"This has resulted in a sharp decrease in our capacity to meet the legal needs of persons detained at Karnes," the letter says.

[Raices Letter to ICE | Lawyer | Practice Of Law](https://www.scribd.com/document/409198739/Raices-Letter-to-ICE)

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In a statement, ICE said some policy changes were needed because the number of detainees at Karnes has risen in recent weeks.

"Consequently, more residents are represented by private attorneys," the statement said. "To ensure attorney access to visitation, the number of daily group meetings were reduced."

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"No standard provisions have been changed at Karnes," the statement continued. "Under ICE's detention standards, the current Karnes attorney access program provides significantly more hours of legal visitation than recommended. ICE provides 12 hours of legal visitation every day."

The RAICES letter quotes ICE's "Family Residential Standards," which the lawyers says provides for more liberal standards for lawyers seeking to assist detainees than is being practiced at Karnes.

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In calling for extending the time for legal visiting, the letter points to a section in the standards stating, "the facility administrator may permit a confidential meeting (with no staff present) involving the requester and two or more residents." For a "group legal meeting," the lawyers say the standards state "the facility should grant such request to the greatest extent practicable."

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RAICES
@RAICESTEXAS

🚩 HEADS UP: We have sent a letter of complaint to @ICEgov demanding access to legal counsel for immigrants at Karnes Detention Facility in TX.

Since 2014 we've been giving free legal counsel to anyone who wants it at the detention center.

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The Karnes Detention Center (<https://www.ice.gov/detention-facility/karnes-county-residential-center>), about 55 miles southeast of San Antonio, is the first facility built by ICE to handle migrants crossing into the United States without legal authorization. It can handle up to 830 people and until early April housed migrant families.

Presently, only female detainees seeking asylum in the United States are at Karnes. The RAICES letter says asylum seekers under ICE standards "are entitled by statute and regulation to consult with persons of the resident's choosing."

Andrea Meza, director of RAICES Family Detention Services Program, said in an interview that if asylum seekers don't receive full legal representation, they face a higher risk of being returned to the country they had fled to avoid serious harm or even death.

"If they can't get assistance navigating a complicated legal system in a language they don't understand, they face deportation back to the place they had fled, literally for their lives," said Meza, whose volunteers have been working with the migrants at Karnes since 2014.

Before the policy changes, RAICES had served up to 160 clients each day. Now, it's down to about 50, Meza said. In the past, the lawyers were able to meet with clients several days before their court dates. No longer, Meza said.

"Sometimes we're meeting them for the first time in the courtroom," she said.

Immigrant authorities for several months have complained that facilities for apprehended migrants are stressed to the breaking point because of the pace of unauthorized border crossings and of people seeking asylum arriving at the official points of entry along the southern border.

In written testimony (<https://www.judiciary.senate.gov/imo/media/doc/Owen-Provost-Padilla%20Joint%20Testimony.pdf>) Wednesday before the U.S. Senate Judiciary Committee, three top immigration officials said they expect conditions to "worsen as we enter the warmer spring and early summer months."

"Our short-term holding facilities were neither designed for the large volume of family units nor for long-term custody," according to the testimony from Todd Owen, executive assistant commissioner of Customs and Border Protection; Border Patrol Chief Carla Provost; and Manuel Padilla, director of the Department of Homeland Security's Joint Task Force-West.

"We consider 4,000 detainees to be a high number of migrants in custody, and in the past had considered 6,000 detainees a crisis," they wrote. "In this fiscal year, CBP has already experienced more than 14,000 detainees in custody on a single day."

John C. Moritz covers Texas government and politics for the USA Today Network in Austin. Contact him at jmoritz@gannett.com and follow him on Twitter @JohnnieMo (<https://twitter.com/JohnnieMo>).

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