

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/covid-19-1/without-an-attorney-i-might-still-be-confined-in-a-detention-facility-with-covid-19>

Public Facing Advocacy Writing

People trapped in the United States massive immigration detention system have no right to legal counsel if they cannot afford it. Without attorneys, they stand little chance of navigating the complex and adversarial arena of immigration law to win their freedom from prison-like conditions. [Statistics](#) show that 44 percent of detained people who were represented were granted a custody hearing between 2007-2012, versus only 18 percent of those without counsel. Of people who had custody hearings, 44 percent of represented respondents were released from detention, compared to only 11 percent of unrepresented respondents. During the coronavirus pandemic, release from detention facilities has become a matter of life and death for many immigrants, who are confined in conditions where social distancing is impossible. This crisis highlights the importance of legal counsel for this vulnerable population.

This is the story of Paul, an asylum-seeker from Nigeria. As the coronavirus pandemic struck, he was confined in the Buffalo Federal Detention Facility, which has reported 49 COVID-19 cases. Vera's prevalence model [suggests](#) the virus is spreading through ICE detention at a much higher rate than publicized. New York Immigrant Family Unity Project lawyers from Prisoners Legal Services of New York were able to secure Paul's release from detention, which could have been a death sentence.

When I got to the United States border, I thought my troubles were over. We had been through so much by then. In Nigeria, my country, many Igbo Christians had been killed because of their faith. I did not want to die, so I came to America.

I asked for asylum at the border station in Tijuana. That is what the law tells you to do. I started to worry when border patrol put us a bus with blackened windows. When they shackled our hands and feet, I was terrified.

They put us on a plane and would not remove the shackles to let us eat or go to the bathroom. Why this humiliation? Were we going to jump out of the plane? The women with us were also shackled hand and foot. I felt that I was going crazy. Journalists tried to take pictures as we exited the plane. The agents blocked them because they knew what they were doing to us was wrong. We were locked up in the Albany County Jail. When we saw the orange uniforms there, everyone panicked, saying, Are we going to prison?

We all felt sick the first night. Nobody could eat. It was just shock. We had asked to be protected, and they put us in jail. I thought I would be sent to my brother and daughter in California. I didn't know anyone in New York, but they jailed me there. The jail staff told us federal agents would come pick us up. We thought they would come in days. They kept us in jail for six months. When I was in the Albany jail, a lawyer came and offered to represent me. I was so happy. I could not believe that someone would want to help me, for free. If you don't have a lawyer, and you meet some bad judges, they will take advantage of you because you don't know your rights. I had good lawyers who fought for me.

They moved us to the Buffalo Federal Detention Facility, where I stayed for 15 months. That place was nothing to write home about. We slept in compartments with four bunk beds. Sometimes we were jammed together, all crowded. When coronavirus came, I was terrified. There were rumors that people were sick, some people were having symptoms. We were all scared. There are no windows, no ventilation. We knew that if one person caught it, everybody would catch it. Some of the officers were scared too. They kept bringing people in from the outside. They were telling us, If we bring somebody, we will quarantine them. But they were lying. They brought them straight in with us. We knew that if just one person catches it, it's over. It turned out 49 were infected, probably more.

They always say that if you don't like it, you can go home. A lot of people give up. They say they can't take it. I cannot give up. I cannot go where I came from. Where I am from, my people cannot go out. They cannot farm. Fulani are everywhere, carrying AK-47s. They are among five terror groups in Nigeria, and they are killing my people. When you go to the police station, the chief of police sympathizes with the killers.

There was a guy in jail with me in Albany who is from my tribe as well; they almost killed him in Nigeria. We ran to America to be protected. It was a dangerous journey to come here. I came through South America, through the most dangerous forest. I spent seven days in the forest of Panama, sleeping on the ground. I have seen a child swept away from his father in a river. You see skeletons of people who couldn't go on. You come here to be protected, and instead they put you in jail.

Some of the guards were nice, some were mean. Some were racist and you could see that they didn't like foreigners. I would pray three times a day, like it was my job. It was only God that kept me going. When I was there, I did not sleep much. People would break down sometimes. Some people go crazy, and they would take them to the solitary housing unit. If you don't want to eat, they remove you and lock you somewhere. Instead of treating the person, they remove them and lock them somewhere.

It could have been very bad for me when people started to get sick with coronavirus, but I had good lawyers to fight for me. When they told me I would get out, I was very nervous. I was shaking because I couldn't believe what was happening. I was excited, but my body was shaking. Sometimes I can't even believe that I am out, after 21 months. It feels good to see my daughter after so long. I go to church every Sunday. Because of the virus, I can only stand outside and pray, but I go.

I am supposed to check in with ICE in August. I have a monitor on my foot so they can see what I am doing. One day, I want to be a track and field coach. There is nothing like freedom, even if you dont have money. It feels good to be free.

PROJECT

PUBLICATION

Transformative change, sent to your inbox.

Vera Institute of Justice. All rights reserved.