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Advocating For Your Rights in Immigration Detention

What to Do If You Are Treated Unfairly or Held in Inhumane Conditions



The **Florence Immigrant & Refugee Rights Project** is a nonprofit legal services organization that works with adults and children in immigration custody in Arizona. The staff of the Florence Project prepared and updated this guide for immigrant detainees who represent themselves in their removal proceedings. We do not charge for our services. To see our guides, go to: www.firrp.org.

This guide is not intended to provide legal advice. It is not a substitute for legal counsel.

This guide is copyright protected but you can share and distribute it widely to help immigrants around the country. If you adapt the information in this guide into your own publication, please credit the Florence Project.

~~DO NOT EDIT~~

Important Words to Know

Immigration law has a lot of technical words. Here is a list of some words you will see in this guide and a short explanation of what they mean.

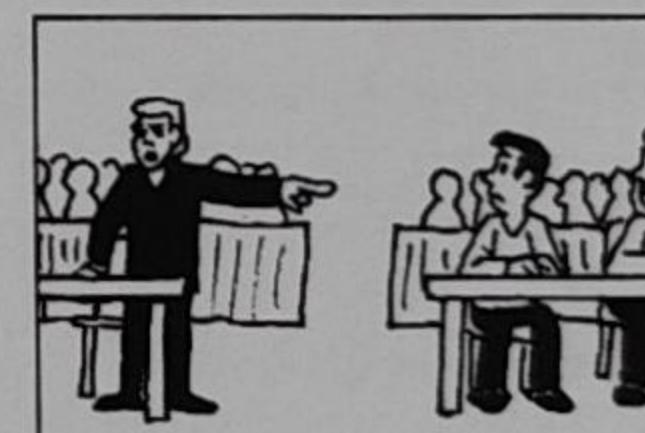
- **Deportation:** ICE has put you in **deportation proceedings**, which are also called **removal proceedings**. If the judge orders you deported or “removed” from the United States, officials will send you back to the country where you are a citizen. You will not be able to legally return to the U.S. for at least 10 years.



- **Florence Project:** A group of lawyers and legal assistants who provide free legal help to people who do not have lawyers. The Florence Project wrote this guide to help you understand your case.



- **Government Attorney:** The lawyer who represents ICE when you go to your court hearings. This lawyer sits at the table next to you and talks to the judge. Government attorneys should see that justice is done. Usually, they ask the judge to order to deport you.



- **Immigration and Customs Enforcement (ICE):** The agency that has put you in deportation proceedings and detained you. ICE is part of the Department of Homeland Security, or *DHS*.



- **Immigration Judge (Judge):** The person who will decide your case. Judges hold hearings in the courtroom and wear black robes. They should look at the facts of your case and apply the law fairly. Judges do not work for ICE.

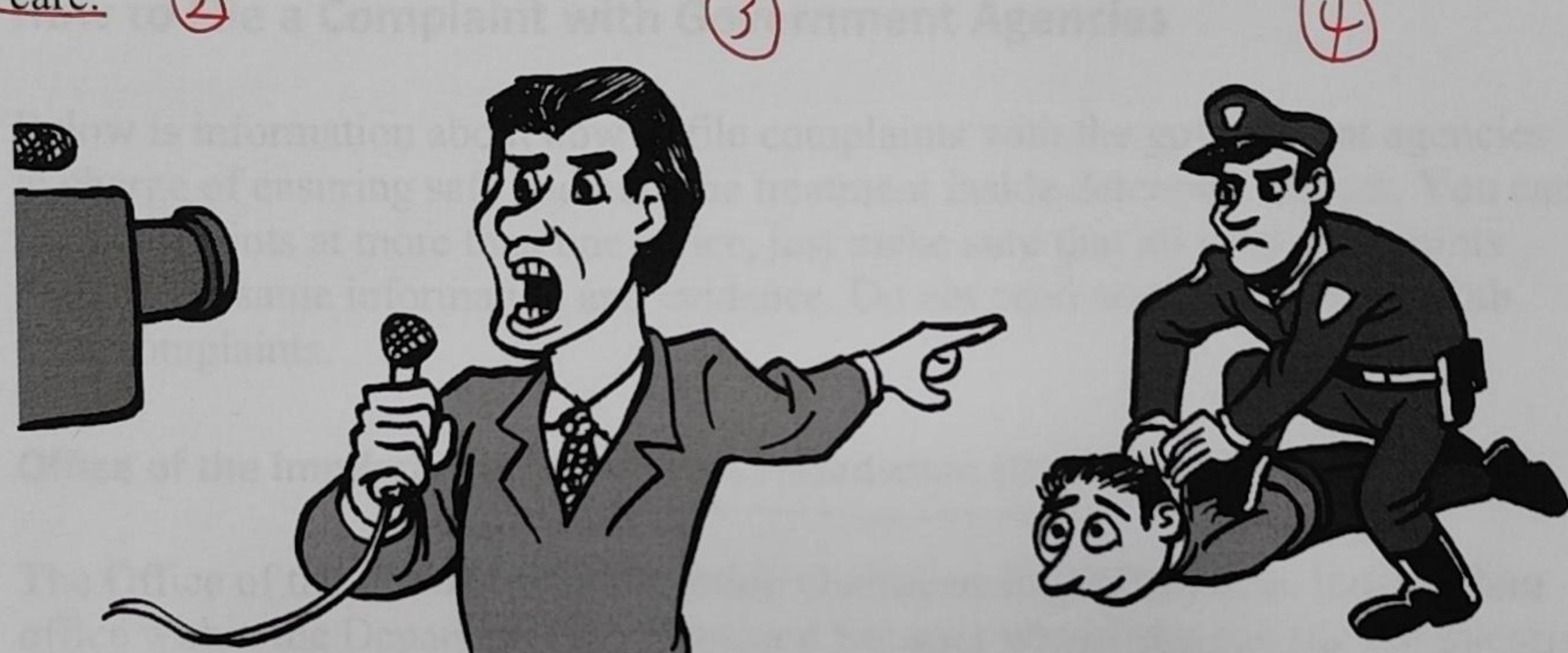


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How Can I Report Unfair, Abusive, or Inhumane Treatment Inside Immigration Detention Centers?

This guide has resources that you can use to speak out about abuses, concerns, or your experience in immigration detention. When ICE detains you, they must provide humane treatment that meets your basic needs. This includes adequate food, time to exercise outside, contact with legal services, and adequate medical care.



Many people who have been in immigration detention feel that they have not received fair treatment or have been abused. For example, you may want to speak out about your treatment when you were arrested by the police and transferred to ICE, about the conditions of the detention center where you were held, your interactions with ICE officers, or about your experience in immigration court. This guide was written to give you some resources and ideas for how you can document, speak out about your experience, and work to change conditions.

You may wonder if speaking out and complaining about poor treatment could hurt your case. We cannot give you any guarantees either way. If you are filing a complaint to a government agency, the law says that you cannot be punished for making a complaint.

If you are speaking to reporters or putting information on the internet while your immigration case is still pending, be cautious, especially if you are detained. For example, in your deportation case the judge will consider if the law allows you to stay in the United States. So, sharing things like the details of how you came to the

United States or your criminal history might affect your immigration case if those details are different than what you told the judge.

It is best to seek the advice of an attorney or the Florence Project if you want to make a complaint or speak publicly about your concerns. They can give you more information about what information is important to share and the best way to share it.

How to File a Complaint with Government Agencies

Below is information about how to file complaints with the government agencies in charge of ensuring safe and humane treatment inside detention centers. You can file complaints at more than one office, just make sure that all your complaints include the same information and evidence. Do not send original evidence with your complaints.

Office of the Immigration Detention Ombudsman (OIDO)

The Office of the Immigration Detention Ombudsman (OIDO) is an independent office within the Department of Homeland Security where you can file confidential complaints about abuse or poor conditions. You can file a complaint if ICE officers, or any detention center employee, has mistreated you. You can also complain if they failed to allow you other civil rights like religious freedom, access to your lawyers or the Florence Project, or access to mail.

If you are detained and have received unfair or abusive treatment, you can file a complaint with OIDO. OIDO has staff that works at the detention centers and should visit you in person after you file a complaint. To file a complaint, use the electronic tablets inside the detention center pods to complete OIDO's form. You can also speak with your lawyer or the Florence Project about filing a complaint for you.

If you want your friends or family to file a complaint on your behalf, they can find an electronic copy here: <https://www.dhs.gov/office-immigration-detention-ombudsman>.

Complete it to the best of your ability. You can send it electronically through the tablet in the detention center or to OIDO at the email, fax number, or address below.

Email: detentionombudsman@hq.dhs.gov
Fax: 202-282-8482
Mail: U.S. Department of Homeland Security
Office of the Immigration Detention Ombudsman
Mail Stop #0134,
2707 Martin Luther King Jr. Ave. SE
Washington, DC 20528

Office of Civil Rights and Civil Liberties

The Office of Civil Rights and Civil Liberties or (“CRCL”) is an office inside DHS that investigates complaints of civil rights violations and abuse. If you have been mistreated or abused by any federal agency, including Customs and Border Protection, ICE, or a detention center employee, you can file a complaint with CRCL. Provide as much specific information as you can, including the date, location, and all the people involved.

Once your complaint is received, CRCL may start an investigation. This can take several months. It will depend on how much information you provide with your complaint and how serious the abuse you report is. They may ask you for more information as they investigate. Once they finish the investigation, they should give you a letter stating the outcome of the investigation and any steps they plan to take.

The form for filing a CRCL complaint is attached at the end of this guide and should also be available at your detention center. Complete it to the best of your ability and include as much information as possible. You can file the complaint through mail, email, or fax:

Email: CRCLCompliance@hq.dhs.gov or
crcl@dhs.gov
Call: 1-866-644-8360 toll free
U.S. Mail: U.S. Department for Homeland Security
Office for Civil Rights and Civil
Liberties
2707 Martin Luther King, Jr. Ave., SE
Mail Stop #0190
Washington, DC 20528-0190



DHS Office of Inspector General (OIG)

The DHS Office of Inspector General (OIG) is a watchdog organization within DHS with the power to investigate complaints of abuse, negligence, and misuse of government funds. The OIG has conducted investigations of detention centers and has documented many examples of poor conditions. For example, the OIG authored a report in 2021 showing that DHS and CoreCivic failed to provide detainees necessary supplies to protect themselves from COVID-19. A complaint to the OIG is a way to ask the office to investigate unsafe or unfair conditions. They are more likely to investigate if you can show a problem that affects many detainees, that causes waste of money, or that puts detainee safety at risk.

To file a complaint, you can fill out an online form available at
<https://hotline.oig.dhs.gov/>

If you do not have access to the internet, you may write a letter to the OIG and mail it to the address below. We recommend that you include as much specific information as possible about the incident or problem. If possible, write your letter in English.

U.S. Mail: DHS Office of Inspector General
Attn: Office of Investigations Hotline
245 Murray Lane SW, MAIL STOP 0305
Washington, DC 20528-0305

Call: 1-800-323-8603 toll free

Fax: (202) 254-4297

Federal Tort Claim Act (FTCA) Suit

If you have been seriously harmed by government agents, including ICE or Border Patrol, you can sue them to recover financial damages for the harm that you suffered. This is called a Federal Tort Claim Act lawsuit. You must show that the government's treatment of you violated the law and caused you harm. These cases are complicated and we recommend that you speak to an attorney or the Florence Project about them. You can also read more about them at the links below:

https://nationalimmigrationproject.org/PDFs/practitioners/practice_advisories/fed/2013_24Jan_ftca-faq.pdf

<https://asylumadvocacy.org/wp-content/uploads/2019/10/1-English-FTCA-One-Pager.pdf>

ICE Office of Professional Responsibility

If you believe that an ICE officer has committed a crime against you, treated you unfairly, or has abused you, you may file a complaint with the ICE Office of Professional Responsibility (OPR). This complaint is a way to alert ICE that one of their officers has harmed you and ask ICE to investigate and take action against that officer, if necessary.

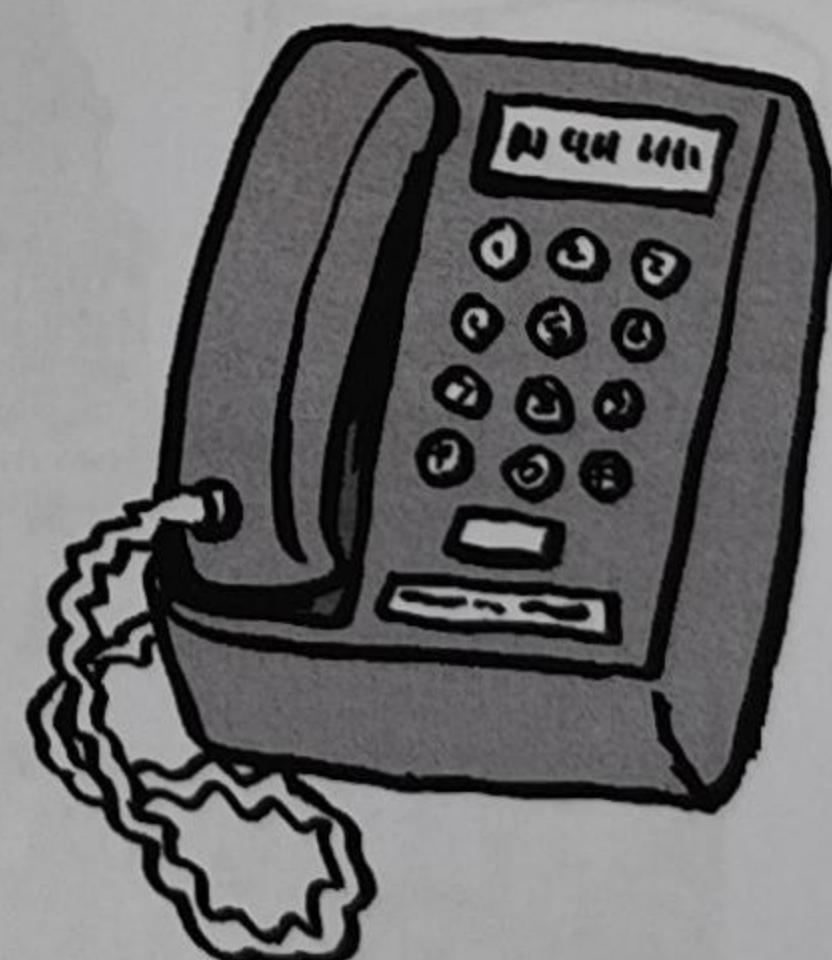
If you believe that an ICE or CBP officer has committed a crime against you, abused you, or treated you unprofessionally, you can call 1-877-2INTAKE. If you have access to email, you can send the complaint to joint.intake@dhs.gov or iceoprintake@ice.dhs.gov.

You can also write a letter and mail it to the OPR's headquarters and its local office in Arizona. Their addresses are below:

U.S. Mail for OPR Headquarters	U.S. Mail for Arizona Office
ICE OPR P.O. Box 14475 Pennsylvania Ave, NW Washington, DC 20044	ICE OPR Special Agent in Charge – West 2600 N Central Ave 7th floor Phoenix, AZ 85004

The ICE ERO Detention Reporting and Information Line

ICE Enforcement and Removal Operations has a toll-free hotline that detainees and their families can call between 8 a.m. to 8 p.m. EST (usually 5 a.m. to 5 p.m. Arizona time) to report complaints, abuse, or receive information about their cases. The number is 1-888-351-4024. Spanish-speaking staff is available. The hotline operators will accept reports of abuse or mistreatment by ICE or detention center staff and will refer that information for possible investigation. They will also help families who have been



separated identify the location of other family members in federal custody, including children held in the custody of the Office of Refugee Resettlement.

Executive Office for Immigration Review (EOIR)

If you believe that the immigration judge treated you extremely unfairly or in an abusive way, you can file a complaint with that judge's supervisor at the Executive Office for Immigration Review (EOIR). Do not send a complaint if you just disagree with the judge's decision! This is not a way to get a new hearing. Only file a complaint if you believe that the judge was biased, unfair, or abusive.

You should write a letter and include your name and A#, the name of the judge in your case, your contact information, a summary of what happened, the location of the hearing, and the date and time of the hearing. The supervisory judge will start by listening to the recording of your hearing to see whether there was abuse or mistreatment of you. Send your complaint in English to the address below:

U.S. Mail: Office of the Chief Immigration Judge
Attn.: IJ Conduct and Professionalism
5107 Leesburg Pike, Suite 2500
Falls Church, VA 22041
Email: EOIR.IJConduct@usdoj.gov

Members of U.S. Congress

If you have been mistreated during your detention, you and your family can contact your local members of Congress to tell them about your experience in immigration detention. Congress writes our federal immigration laws and has the power to hold public hearings to investigate the operation of detention facilities. Keeping them informed of conditions inside detention centers is an important way to make sure that lawmakers and the public are



aware of abuse or misconduct. If you are a U.S. citizen or have a U.S. citizen family member who has been impacted by your situation, they may be in the best position to contact Congressional members because they are voters.

If you or your family members have experienced delays or problems while interacting with the federal agencies like USCIS or ICE, they can also ask Congressional members for help. You and your family can contact the U.S. Representative or Senator where you live, even if this is not where you were detained. If you are new to the U.S., you may want to contact the Representative or Senator in the state where you are detained.

Members of Congress change frequently, sometimes with each election. Since this information changes every few years, it is best to look up your current Representative or Senator by using the telephone book, by calling the U.S. Capitol Switchboard at 202-224-3121, or by looking on the internet or having a family member friend look on the internet for you. The internet directories searchable by state are:

- <http://www.house.gov/representatives/>
- http://www.senate.gov/general/contact_information/senators_cfm.cfm

Non-Governmental Advocacy Organizations

There are several local and national organizations that advocate for people in detention and work to create more humane treatment and changes to immigration law. Some of these organizations can help you with your case directly or can offer letters and visits while you are detained. Many of these organizations are looking for stories from people who have been impacted by detention. You can contact them to raise awareness about problems in the immigration detention system. Below are lists of organizations in Arizona as well as national organizations. Just like you can file complaints with multiple government agencies, you can also file requests for help with multiple agencies on this list.

Organizations in Arizona

American Civil Liberties Union (ACLU) – Arizona Chapter



National Organizations

Detention Watch Network

The Detention Watch Network is a group of organizations, lawyers, advocates, former detainees, and impacted family members working to limit the use of immigration detention and ensure the humane treatment of detained immigrants. You can write to them to share your story and seek help locating a local organization where you live.



U.S. Mail: Detention Watch Network
1730 Rhode Island Ave NW, Suite 707
Washington, DC 20036

Women's Refugee Commission

The Women's Refugee Commission works with immigrant women and children and asylum seekers impacted by ICE and detention. They are particularly interested in helping families who have been separated by Border Patrol or ICE. They work with government officials and advocates in Washington, D.C. to create better policies and treatment of people in detention. If you are a woman or parent and want to report a complaint relating to your treatment or experience of your family or children, you can write to them at the address below to share your story. Please include in your letter whether they have your permission to use your story to advocate for better policies. They will change your name and any part of your story that would identify you unless you tell them that they can use your personal information. Even if you do not receive a response, your information will be very helpful to the work that they do in Washington, D.C.

U.S. Mail: Women's Refugee Commission
1012 14th Street, NW, Suite 1100
Washington, DC 20005
Call: (202) 750-8591
Email: info@wrcommission.org



United Nations High Commissioner on Refugees

The U.N. High Commissioner on Refugees (UNHCR) assists asylum seekers and refugees around the world. They can sometimes assist by sending you a packet of country conditions information in support of your asylum claim. If you are an asylum seeker, survivor of torture, or a refugee, they may be interested in hearing your story and investigating a claim of abuse in detention.

The UNHCR operates a toll-free protection hotline Mondays, Wednesdays, and Fridays from 2pm – 5pm EST for detained refugees and asylum-seekers. Telephonic interpretation is available, therefore, speaking English is not required. The protection hotline is accessible by dialing 566# from within detention facilities. You or your family can also contact them at:

Call: (202) 461-2356
Email: usawainq@unhcr.org

Families For Freedom

Families for Freedom is an organization based in New York City that works with former detainees and family members to change detention and deportation policies. Many former detainees are active in Families for Freedom. They operate a hotline you can call from detention to record your story or complaint. They will use this recording for their advocacy purposes and may share it with the media to raise awareness about detention. You can contact them at the address and phone numbers below:

Call for free from inside detention centers: 1707#

U.S. Mail: Families For Freedom
35 West 31st Street, #702
New York, NY, 10001
Call: (646) 290-8720
Hotline: (646) 290-5551
Fax: (800) 895-4454
Email: info@familiesforfreedom.org

Freedom for Immigrants

Freedom for Immigrants advocates for the end of immigration detention. They gather complaints from detained persons and their families and use those cases to advocate for less detention and improved conditions with policy makers.

Call for free from inside detention centers: 9233#
(Monday-Friday, 6am-8pm PST/ 9am-11pm EST)

Call (from outside detention): (209) 757-3733
(Monday-Friday, 8am-2pm PST/ 11am-5pm EST)

Media And News Outlets

You may want to reach out to reporters and newspapers to report serious incidents of abuse or mistreatment in detention. If you are detained in Arizona, ask the Florence Project if they think that reporters might be interested in your case. Below are addresses and contact information for local print and radio reporters. If you want to try and raise attention, write them a letter. Do not be discouraged if your request goes unanswered. It may take a few tries.



If a reporter does contact you and is interested in your story, it is best to get the advice of an immigration attorney if your immigration case is still pending. Talk to the reporter about the type of story they are writing and make sure that it is a topic you feel comfortable with and that will not portray you unfavorably or harm your case. If you are

working with the Florence Project or another attorney, let them know as soon as possible that you are planning to share your story with a reporter.

Below are some newspapers in Arizona that sometimes cover immigration detention issues and other newspapers and media outlets that may be good for a story. You should write “Attention Immigration Reporter” as the addressee on the envelope.

Arizona Republic P.O. Box 1950 Phoenix, AZ 85001 www.static.azcentral.com/help/contact	Arizona Daily Star P.O. Box 26887 Tucson, AZ 85726-6887	Phoenix New Times 1201 E Jefferson Phoenix, AZ 85034 Phone: 602-271-0040
Univision Network 50 Fremont Street 41st Floor San Francisco, CA 94105	KJZZ Newsroom Attention: Editors 2323 W. 14th St. Tempe, AZ 85281 480-834-5627	Tucson Weekly P.O. Box 27087 Tucson, AZ 85726-7087

Personal Contacts and the Internet

Often the best way to speak out about your experience is to look to the contacts and networks you already have. Is there a community organization you or your family members are involved with? Do you have friends or an employer who may be connected to organizations or other people who may be influential? If you or your family are involved in a church or faith community this is a natural place to rally support and tell your story. Most local churches are connected to a national branch that may be very active on immigration issues.



You or your family members may also want to use the internet to tell your story, either through a blog posting on your own website, making a video to post onto YouTube, or using social media like Facebook or Twitter. Some clients also use the internet to raise money for bonds using sites like gofundme.com. Information that is forwarded through email, social media, and the internet can move very fast and reach a lot of people. However, this information will also be available to ICE. Be very careful to make sure not to disclose information that could harm your case like admitting criminal conduct or giving a basis for your case that is very different from what you have told the judge and ICE. Talk to the Florence Project or your attorney if you have questions.

We wish you the best of luck with your case!



Department of Homeland Security (DHS)
Office for Civil Rights and Civil Liberties

Civil Rights Complaint

Fillable Version (last modified 3/15/2011)

The purpose of this form is to assist you in filing a civil rights/civil liberties complaint with the Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL) regarding DHS programs and activities. This form is not intended to be used for complaints about employment with DHS. You are not required to use this form to file a complaint; a letter with the same information is sufficient. However, if you file a complaint by letter, you should include the same information that is requested in the form.

CRCL Mission:

The DHS Office for Civil Rights and Civil Liberties (CRCL) supports the Department as it secures the nation while preserving individual liberty, fairness, and equality under the law. We investigate claims of civil rights and civil liberties abuses, to help DHS improve protections and programs.

Do you have a DHS civil rights or civil liberties complaint? If you believe that DHS personnel or a DHS program or activity has violated your rights, we want to hear from you. Fill out this form, or write us an email or letter.

In connection with a DHS program, activity, or policy, have you experienced:

- Discrimination based on your race, ethnicity, national origin (including language proficiency), religion, gender, or disability? (Note: do not use this form to make a complaint about employment discrimination; see www.dhs.gov/eeo.)
- Denial of meaningful access to DHS or DHS-supported programs, activities, or services due to limited English proficiency?
- Violation of your rights while in immigration detention or as a subject of immigration enforcement?
- Discrimination or inappropriate questioning related to entry into the United States?
- Violation of your right to due process, such as your right to timely notice of charges or access to your lawyer?
- Violation of the Violence Against Women Act's confidentiality requirements?
- Physical abuse or any other type of abuse inflicted upon you?
- Any other civil rights or civil liberties violation related to a DHS program or activity?

Notes on Confidentiality and Anonymity:

- A) You may remain anonymous by not filling in your name, below. However, CRCL may not be able to investigate your complaint unless you provide enough information to conduct an investigation.
- B) Disclosure of the information you provide, including your identity, is on a "need-to-know" basis, and is discussed in the Privacy Statement at the end of this document. IF YOU CHECK THE BOX BELOW, WE WILL NOT DISCLOSE YOUR IDENTITY TO OTHER OFFICES, IN OR OUT OF DHS (unless it is necessary for investigation of criminal misconduct). Note, however, that this will in many situations make it very difficult or impossible, practically speaking, for us to investigate the allegations you raise.
- I do NOT want CRCL to disclose my name to other offices, and understand this decision will often make it impossible for an investigation to take place.
- C) Reprisal against complainants to CRCL is unlawful; if you feel you have been a victim of reprisal, CALL US. 1-866-644-8360.

Continue on an additional page if needed

Complaint Information

If you don't speak/write English, CRCL has access to interpreters and can talk to you in any language.

① Information about the person who experienced the civil rights/civil liberties violation

(fill in what you can)

Name: _____

First and Middle

Last

Phone #: Cell: _____ Home: _____ Work: _____

Please note that we may contact you at the provided numbers.

Mailing Address: _____

PO Box or Street address

City

State

Zip

Date of Birth: _____ Email (optional): _____

Alien Registration #: (if you have one and it's available): _____

- Check here if you are in detention now.

Which facility? _____

Facility name

Facility address

- Check here if you are represented by an attorney in this matter. If so please provide the attorney's name and contact information _____

② Are you filling in this complaint form on behalf of another individual? If yes, please provide your information.

Name: _____

First

Last

Job title

Organization (if any): _____

Phone #: Cell: _____ Home: _____ Work: _____

Mailing Address: _____

PO Box or Street address

City

State

Zip

③ What happened? Describe your complaint. Give as much detail about your experience as possible.

*If your complaint is about an incident at an airport, transportation, or border crossing, you may also file a complaint with the Department of Homeland Security's Traveler Redress Inquiry Program (TRIP). TRIP and the Office will review your complaint together, providing a written response. Go to www.dhs.gov/trip.

① List anyone else to whom you have spoken or heard what happened.

(If you do not know their names, provide whatever details you can.)

Names for other information, e.g., agency:

Mailing Address:

Phone No.:

Email:

Names for other information, e.g., agency:

Mailing Address:

Phone No.:

Continue on an additional page, if needed.

When did this happen? If ongoing, please indicate when the problem began.
(If it happened on more than one date, list all dates):

Where did this happen?

Place (for example, name the detention facility, airport, other): _____
City: _____ State or Country: _____

④ Who treated you unfairly?

An employee, contractor, or officer of (check as many as apply):

- | | |
|--|---|
| <input type="checkbox"/> Citizenship and Immigration Services (USCIS) | <input type="checkbox"/> Not sure which DHS office |
| <input type="checkbox"/> Customs and Border Protection (CBP)* | <input type="checkbox"/> Non-DHS employee working under the authority |
| <input type="checkbox"/> Customs Officer | of DHS (e.g., 287g officer) |
| <input type="checkbox"/> Border Patrol Agent | specify: _____ |
| <input type="checkbox"/> Federal Emergency Management Agency (FEMA) | |
| <input type="checkbox"/> Immigration and Customs Enforcement (ICE) | |
| <input type="checkbox"/> Secret Service (USSS) | |
| <input type="checkbox"/> Transportation Security Administration (TSA)* | |
| <input type="checkbox"/> U.S. Coast Guard (USCG) | |
| <input type="checkbox"/> Other DHS program (specify) : | |

*If your complaint is about an incident at an airport, train station, or border crossing, you may also file a complaint with the Department of Homeland Security's Traveler Redress Inquiry Program (TRIP). TRIP and this Office will review your complaint together, resulting in a faster response. Go to: www.dhs.gov/trip.

⑤ List anyone else who may have seen or heard what happened.

(If you do not know their names, provide whatever details you can)

Names (or other information, e.g., agency): _____

Mailing Address: _____

PO Box or Street address

City

State or Country

Zip

Phone No.: _____ Email: _____

Names (or other information, e.g., agency): _____

Mailing Address: _____

PO Box or Street address

City

State or Country

Zip

Phone No.: _____ Email: _____

Continue on an additional page, if needed.

⑥ Have you contacted any other DHS component or other federal, state, or local government agency or court about this complaint?

Yes: Agency/Office/Court _____ Date: _____
 No

If so, has anyone responded to your complaint?

Yes No

If Yes, describe what has been done to respond to your complaint:

Phone: (202) 265-3400 Fax: (202) 265-3400 Email: ocr@dhs.gov
Toll-Free: (800) 362-0708 Toll-Free Fax: (800) 362-0708
Toll-Free TTY: (800) 877-8281 TTY: (202) 265-3400
Fax: (202) 265-3400
Address: 440 G St., NW, Suite 500
Washington, DC 20520
Note: Because of security measures, it can take up to 4 weeks for us to receive U.S. mail.

- ⑦ To submit this form by email, please save, attach, and send to ocr@dhs.gov. Please attach or send all information that supports your complaint, such as documents, photos, medical records, grievances, or witness statements.**

Signatures and initials put your name and the date of this complaint on each document. Continue on an additional page, if needed.

⑦ Is there any other information you want us to know about or consider?

Keep a copy of this complaint for your records.

Privacy Act Statement

Under 4 U.S.C. § 345 and 43 U.S.C. § 50500-1, the Office for Civil Rights and Civil Liberties (OCRL) is authorized to investigate complaints and information from the public about possible violations of civil rights or civil liberties related to DHS employees, programs, or activities. A federal law, called the Privacy Act, says we must explain how we protect your information while processing your complaint.

If your complaint is more appropriately handled by a different federal office, we will refer it to that office. In order to investigate your complaint, OCRL will discuss the information regarding your complaint to other DHS offices, including the Office of the Inspector General. OCRL may also discuss certain information from your complaint if we are required by law to do so or if there is no privacy waiver. For example, we send reports to Congress every three months about complaints submitted by the public. Those reports describe the types of complaints, and do not include personal information. To read our past reports, go to www.dhs.gov/ocr.

To learn more about the Privacy Act, go to the Federal Information Center: <a 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