

GOVERNMENTAL AFFAIRS
OFFICE

AMERICAN BAR ASSOCIATION

Governmental Affairs Office

740 Fifteenth Street, NW
Washington, DC 20005-1022
(202) 662-1760
FAX: (202) 662-1762

DIRECTOR
Robert D. Evans
(202) 662-1765

rdevans@staff.abanet.org

January 12, 2006

John P. Torres
Acting Director
Office of Detention and Removal Operations
U.S. Immigration and Customs Enforcement
Department of Homeland Security
425 I Street NW
Washington, DC 20536

Re: Detainee Transfers from Passaic County Jail, New Jersey

Dear Mr. Torres:

On behalf of the American Bar Association, I am writing to request that your office ensure compliance with the Detainee Transfer detention standard as ICE transfers detainees from Passaic County Jail to new facilities. We understand that ICE's contract with Passaic County Jail is to be terminated as early as February 1, 2006, and that detainees are already being transferred.

The DHS detention standards, including the Detainee Transfer standard, are the result of negotiations between the ABA, the Department of Justice, the former INS, and other organizations involved in pro bono representation and advocacy for immigration detainees. As a key stakeholder in developing the standards, the ABA is committed to their full and effective implementation.

The ABA opposes transfer of detainees to remote facilities, where immigration legal assistance is generally not available. The Detainee Transfer standard reflects this concern, providing that detainees should not be transferred beyond a reasonable distance from their attorneys, and outlining procedures to ensure that detainees and counsel receive proper notice of the transfer.

The standard requires ICE to notify the detainee and his or her representative of record of the transfer, and to provide both with written notice of the name, address, and telephone number of the receiving facility. Indigent detainees are entitled to make a domestic telephone call at government expense, and others to call at their own expense, upon arrival at their final destination. Finally, detainee A-files are to be put in good order prior to transfer, and include the completed Detainee Transfer Checklist "to ensure that all procedures are completed."

SENIOR LEGISLATIVE COUNSEL
Denise A. Cardman
(202) 662-1761
cardmand@staff.abanet.org

Kevin J. Driscoll
(202) 662-1766
driscollk@staff.abanet.org

Lillian B. Gaskin
(202) 662-1768
gaskinl@staff.abanet.org

LEGISLATIVE COUNSEL
R. Larson Frisby
(202) 662-1098
frisbyr@staff.abanet.org

Kristi Gaines
(202) 662-1763
gainesk@staff.abanet.org

Kenneth J. Goldsmith
(202) 662-1789
goldsmithk@staff.abanet.org

Ellen McBarnette
(202) 662-1767
mcbarnee@staff.abanet.org

E. Bruce Nicholson
(202) 662-1769
nicholsonb@staff.abanet.org

DIRECTOR GRASSROOTS
OPERATIONS/LEGISLATIVE COUNSEL
Julie M. Strandlie
(202) 662-1764
strandlj@staff.abanet.org

INTELLECTUAL PROPERTY
LAW CONSULTANT
Hayden Gregory
(202) 662-1772
gregoryh@staff.abanet.org

STATE LEGISLATIVE COUNSEL
Rita C. Aguilar
(202) 662-1780
aguilarr@staff.abanet.org

EXECUTIVE ASSISTANT
Julie Pasatiempo
(202) 662-1776
jpasatiempo@staff.abanet.org

STAFF DIRECTOR FOR
INFORMATION SERVICES
Sharon Greene
(202) 662-1014
greenes@staff.abanet.org

EDITOR WASHINGTON LETTER
Rhonda J. McMillion
(202) 662-1017
mcmillionr@staff.abanet.org

Mr. John P. Torres
January 12, 2006
Page Two

The ABA urges that proper procedures be followed in order to ensure that immigrants and asylum seekers in detention are not disadvantaged by their transfer. We appreciate your consideration of this important issue.

Sincerely,

A handwritten signature in cursive script that reads "Robert D. Evans". The signature is written in black ink and is positioned above the printed name.

Robert D. Evans

cc: Walter LeRoy, Acting Chief, Detention Standards Compliance Unit