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Immigration detainees denied attorney access, groups say

ADELANTO — Federal immigration officials and Adelanto Detention Facility contractors over the last two years have blocked detainee access from attorneys and other visitors who have been critical of operations there or participated in protests, detainee advocate groups said Tuesday.

The groups made their claims in a letter Monday to Immigration and Customs Enforcement (ICE) and Florida-based Geo Group Inc., which operates the Adelanto Detention Facility. The letter was signed by representatives of American Civil Liberties Union Foundation of Southern California on behalf of Community Initiatives for Visiting Immigrants in Confinement (CIVIC) and the Southern Poverty Law Center, with pro bono support of law firm Sidley Austin LLP.

The letter urges ICE and Geo Group officials to "stop retaliating against visitors who publicly criticize the U.S. immigration detention system," or prepare to face legal action.

"Over the last two years, the Geo Group and ICE have established an unlawful pattern and practice of denying attorney access to clients detained at the facility in retaliation for the attorneys' participation in lawful, peaceful protests outside of the facility," the letter reads, "in contravention of the First Amendment's guarantee that 'debate on public issues should be uninhibited, robust, and wide-open.'"

ICE officials rebutted the claims Tuesday, saying the agency was well aware of the importance of ensuring detainees' access to legal counsel.

"ICE is in frequent communication with attorneys and other stakeholders regarding the operation of its detention facilities and is continually making adjustments in response to feedback and any concerns raised," ICE spokeswoman Virginia Kice said in a statement. "Individuals who fail to comply with the visitation standards applicable to a particular ICE facility may have their visitation privileges suspended. Likewise, individuals who misrepresent the purpose of their visit to such facilities may be denied access."

An email inquiry sent to Geo Group officials Tuesday was not immediately answered.

On Aug. 6, 2013, attorney and CIVIC co-executive director Christina Fialho was reportedly denied access to consult with a prospective client after participating in a peaceful vigil outside the facility, according to Monday's letter. After a Geo officer asked her whether she took part in the vigil, she said she had and then was told her visitation request was denied.

After challenging her denial, Fialho was told by the officer that she was being denied because she did not have on file a G-28, which is a notice of appearance as an attorney. But ICE regulations allow for attorney visits with or without a G-28, the letter said.

San Bernardino County sheriff's deputies arrived soon after to question Fialho at the request of Geo officers. Fialho was informed that the Geo officers requested she be removed from the facility or arrested, according to the letter.

ICE officials have said, however, that Fialho and members of CIVIC were involved in activities that violated ICE detention standards designed to safeguard detainees' privacy. Officials acknowledged that her visitation privileges were restored shortly afterward once the issue was resolved.

But the letter also details a reported account from May, when Fialho was again denied access to consult with existing and prospective clients following a vigil, despite having confirmed with a deputy three times that the deputy had advised ICE and Geo officials of the purpose of her visit.

"As Ms. Fialho prepared to leave the facility, she encountered other attorneys whom she knew but who had not participated in the vigil," the letter reads. "(A)ll of them had been permitted to visit with clients."

She was then told by a Geo staff member that she could enter the facility should the other CIVIC members and accompanying families leave the scene. Even after they left, a Geo staff member shut the door and locked it in Fialho's face after she attempted multiple times to ask the staff member a question but was met with resistance and "instructed ... to either enter the building or leave," the letter said.

The confrontation was reportedly caught on camera.

The advocacy groups are demanding ICE and Geo officials confirm in writing by Sept. 24 that they will cease alleged retaliation and clarify policies to reflect this vow.

Advocacy groups have regularly called upon ICE and Geo officials to make changes at the facility, citing detainee deaths and poor conditions. But officials have pushed back against suggestions of sub-par care, touting the amenities and liberties available to the 1,255 detainees there during a tour earlier this month.

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