

Jan. 2024 Report,
Protocols & Practices of Degradation & Dehumanization
Continue:
New Mexico Civilly Detained Migrant Study,
analysis, review and summary of 2023 findings and conclusions.

Arabella Eagar, January 10, 2024

Introduction

Research into the lived experience of civilly detained migrants and asylum seekers, while in ICE custody, is vital in understanding the way in which current policy allowing for their indefinite and discretionary detainment, impacts migrant health, well-being, overall capacity, ability to self-advocate, recover from premigration experiences, and acclimate to society in the United States after migration. This research is essential in developing a more complete understanding of the true legality of current immigration detention practices, and thus ascertain the extent to which they align with global and national human rights law, legally binding agreements and existing policy related to the humane treatment of migrants and asylum seekers. As the use of indefinite/prolonged confinement of noncriminal migrants continues as routine immigration “processing” practice by the U.S. government and state and local officials, the need for this analysis remains urgent. In support of further research endeavors, the use of this survey tool for data collection and diagnostic purposes is ongoing.

These data and findings are part of an ongoing investigation related to the human cost of immigration detention, its humanitarian sociopolitical, and economic implications, and, most significantly, consistent issues of, neglect, abuse, and torture, which have been associated with this policy and its practice. The purpose of this study is to assess the situational, physical, mental, and emotional experience of detained migrants while under ICE custody. This researcher is interested in understanding the short- and long-term consequences of civil immigration detention, its impact on the overall resilience, health and well-being of asylum seekers and associated populations, as well as the implications of this practice for governments and society as a whole.

Study Parameters

Over the course of 2023 this study conducted 3 surveys within the civilly detained migrant population in New Mexico. These inquiries resulted in the collection of 122 individual surveys and roughly 3000 data points. This report will discuss relevant data and findings from the 3rd survey while referencing previously reported on data, themes, and findings (Eagar, 2023), from the ongoing study.

A survey was conducted over the course of 3 months via in person and remote administration, from September - December of 2023. Study participants were selected through convenience sampling from the detained migrant populations held at the Cibola County Correctional Center, the Torrance County Detention Facility, and the Otero County Processing Center in New Mexico. Short surveys were administered to 64 asylum seeking migrants and were completed over the course of 1-hour sessions. All participants were detained under civil ICE custody in facilities in the El Paso Area of Responsibility. Respondents were of Central or South American origin.

Methods & Measures

Narrative Response & Data Points

7 narrative prompts, designed to elicit open ended responses, were administered via survey format. These served as a guide, allowing participants to elaborate on subjects relevant to their detainment experience. Narrative responses were provided by study participants in written form, and via interview format. Results were analyzed for narratives most discussed across surveyed individuals. These data were then coded into previously defined categories and expanded or simplified for ongoing reporting purposes. Within this study the following themes continue to be relevant when discussing the lived experiences of civilly detained migrants in New Mexico.

The data discussed in this report was found to align with earlier findings reported and published in 2023 (Eagar), as part of this ongoing study. “Consistent themes via both numerical data and narrative response were found to be interconnected, all occurring due to varying levels of

apparent neglect. Moreover, these findings may be categorized under what this researcher has determined policy, protocols and practices of intentional degradation and dehumanization.” (AE, 2023)

In keeping with previously reported findings, this report will briefly discuss narratives and data points in reference to the larger theme of “Systematic Degradation and Dehumanization of Civilly Detained Migrants” (AE, 2023) found to be present across survey responses. Although issues of neglect related to sanitization, deteriorating infrastructure toilet and bathing facilities remain relevant concerns for survey participants, this report will focus more specifically on systemic practices of neglect, harassment and oppression experienced by participants across facilities.

Themes

Lack of Access to Consistent & Clear Communication

Across facilities survey participants discussed concerns over their inability to communicate with ICE officials and facility staff. Respondents mentioned misunderstandings and escalations that had occurred due to a lack of access to “in the moment” translation services in situations where deeper mutual understanding was required. One participant held in the Torrance facility explained, “It is an abuse, there should be interpreters to avoid going through the problems we go through with CoreCivic”. This theme was expressed by most survey respondents across facilities and over the course of study. One participant held in the Otero facility explained a situation with a guard that escalated due to misunderstanding, stating, “I have had a problem with an official who didn't speak Spanish and thought I swore at them, even though they couldn't understand me. They accosted me and wrote me up, but it was a lie because I hadn't done anything”.

Experience of Dehumanization & Criminalization

Participants across facilities discussed feeling criminalized and being regularly harassed and degraded by officials while in ICE custody. Among reported abuses the most consistent and pervasive seemed to be a daily experience of being yelled at and demeaned by guards. A

respondent in the Otero processing center noted, “they treat us poorly, they yell at us every day, they are very aggressive and demanding. I once asked a guard to stop yelling at me and they put me in the hole”. Respondents in other facilities discussed similar experiences stating, “the guards treat us badly, they yell at us, they slam the doors”, “in Torrance we have a male and female guard that treat us badly, they yell and are very rude” and “the verbal and haughty abuse from the guards is serious”. A participant held in the Otero facility noted, “if one person makes a mistake, they take it out on all of us. They're constantly mad and yelling”.

Participants discussed a sense of being dehumanized as they described being treated as less than, like “animals” or “dogs”. This sentiment was illustrated by statements such as, “the treatment is chaotic, like we are animals. Of 10 officers only 2 say please and talk to you with respect”, “they have an attitude of contempt and treat us like we are less than they are”, “there is verbal abuse, they treat us like animals”, “psychologically it is difficult because they speak badly to us and threaten to send us to the hole” and “they treat us like dogs”.

Respondents also expressed a sense of confusion and indignation at being unjustly criminalized, explaining, “they say we are not prisoners, but they treat us like we are, they oppress us”, “I’ve been detained for a long time without having committed any crime”, “I am suffering from psychological damage. I have never been detained, we get treated badly, very badly, like a prisoner who is paying a life sentence” and “nothing can be done because they make the handcuffs rattle to scare us and there is always the threat of the hole”. A participant in the Otero facility stated, “there are some [guards] who act almost militarized and seem to take pleasure in ordering us around, those are the ones who treat us like criminals”.

Harassment & Racial Prejudice

Across facilities respondents discussed regular experiences of racial discrimination and often being harassed by guards for being immigrants. Experiences of discrimination were evidenced by the following statements, “the CoreCivic officials are very bad. There is racism, xenophobia, and abuse of power”, “there is a lot of racism”, “the guards discriminate and are racist towards migrants here. They treat us poorly and don't listen to our needs”. Participants held in the Otero facility described similar experiences, explaining, “verbal abuse is what I feel like I've experienced. The xenophobic comments are really difficult to deal with. They tell us that we're

all the same or that we shouldn't have come. I don't understand why they talk to us that way”, “there is one guard in particular who makes fun of the countries we come from, they're really aggressive” and “they demoralize us by making comments about how we should never have come here and that we're bad people for crossing the border”.

Threats & Concern for Safety

In connection with daily experiences of abuse via harassment, racism, dehumanization and criminalization, respondents voiced concerns for their personal safety due to these dynamics and the perceived threat they pose. Participants held in the Torrance and Cibola facilities expressed, “I don't feel safe because they have all the control. They don't treat us with respect, they speak to us rudely, disrespectfully”, “the CoreCivic staff make you feel violated and threatened, it's what they say and do, it's psychological and mental harassment”. Individuals held in the Otero facility shared similar narratives providing statements such as, “many of the guards discriminate against us, they ask us "what are you doing here" or tell us to "remember where we're from." I was put into solitary confinement for over a week, and I felt like that was abuse and neglect. For those of us like me who don't have family in the US, there's no one there to protect us or inquire about us. I'm often scared that guards will get violent with me, and there won't be anyone there to protect me”. These statements highlight participant sense of vulnerability and powerlessness in an apparently hostile and threatening environment.

Due Process Suppression & Obstruction of Migrant Access to Information

Across facilities study participants overwhelmingly voiced feelings of frustration and injustice related to a consistent lack of information about their cases and having no orientation to their detention environment, the legal process, or their individual cases. As one respondent expressed, “I am psychologically tortured by an absence of info about my case”.

Respondents described having little to no access to legal orientation and materials necessary to prepare for their Credible Fear Interview (CFI). One participant explained, “I have written asking for legal advice/information to prepare for my interview. I didn't get an answer. I asked for information about the legal process, received no answer. People arriving now get fast interviews

but have no information about the process or how to prepare. In general, we need better access to information about the asylum process”.

Other participants relayed similar experiences, describing being unable to even speak with a lawyer or access any kind of legal advice, explaining, “I want to speak to attorneys but I’m struggling to reach anyone, I have been without a response for 2 months”. Another respondent stated, “there are papers in the cell that ICE said were phone numbers for attorneys, but they do not answer. I did the credible fear screening 7days after I arrived. I had no access (to a law library, legal counsel, orientation, etc.)” and “I have a list of lawyers but, if I call, I just get a voice mail, and no one calls back”.

A respondent in the Otero facility relayed an experience of facility staff obstructing their ability to access information, stating, “recently some of us were trying to print out copies about receiving refugee status in the US, but the worker at the library told us that we weren't allowed to and arbitrarily kicked us out”. Another individual held in the Otero facility discussed obstruction they experienced during their Credible Fear Interview (CFI), stating, “during my interview the interpreter would not allow me to speak freely. They would cut me off after just a few words. They cut my statement, I felt like they weren't letting me tell my full story”.

Respondents discussed spending months in detainment awaiting the unknown and suffering under the uncertainty of their situation and their futures. Migrants in all New Mexico facilities echoed a sense of hopelessness in navigating the seemingly arbitrary, unjust, and incapacitating immigration system. Participants held in the Otero facility explained, “I've been in the US for decades, my whole family is American. The judge decided to send me back to Nicaragua, but I haven't even been there since 1983. I had problems with the government of Nicaragua, and if I go back now, they might try to track me down and hurt me. I don't know if I have a future”.

Participants across facilities also shared confusion as to the reason for prolonged detainment after deportation proceedings noting, “there are people who are already set for deportation, but they don’t deport them”. Prolonged detainment after an official deportation decision was made has been widely discussed by study participants in 2023. This issue was further outlined and analyzed in the previous report (AE, 2023) in this study.

Neglect of Migrant Health & Wellbeing

Respondents across facilities relayed concerns for their mental health, discussing a sense of deterioration due to extreme prolonged uncertainty, lack of access to the means for self-advocacy in their own cases, overall detainment conditions and degrading treatment by guards and ICE officials. This sentiment was evidenced in statements such as, “this entire process is really unfair and the amount of uncertainty we all have about our future is terrible”, “I can’t take this detention anymore. The injustice with migrants. They are killing us alive here... there is no justice in this country” and “They detain many people and treat us badly. I wish that this suffering would end so that people don't have to go through what I have.”

These experiences seemed to be exacerbated by a near total lack of information from guards or facility staff related to their cases or any information related to a timeline for their detainment, as one respondent in the Otero facility explained, “ICE never gives us a meaningful response”. Participants in other facilities expressed confusion, overwhelm and frustration related to their long detainment and this lack of essential information explaining, “I don't know why I have been detained for so many months without knowing anything. We have no information”, “ICE gives us little information, they only tell us that we have to wait and nothing more”, “the time people have to spend in detention is too much. Six or seven months is far too long. The process is very delayed”.

Respondents also expressed a sense of prolonged torment related to their detainment, as in the following statement, “I have been detained in another center, in Torrance and now here in Cibola. It has been a psychological trauma for both me and my family”. Participants held in the Otero facility echoed this sense of torment and hopelessness providing statements such as, “time here is time lost. It's unfair to make us wait for months and have no idea about our future. It's the waiting that's so upsetting, it really damages a person psychologically” and “it is difficult being here, psychologically. I was here 1, 2, 3 months, each night going to bed thinking “tomorrow I may be released”, but that day has not yet come. I have lost so much time with my family, my kids”.

Lack of Adequate Nutrition & Regular Access to Edible Food

In addition to concerns related to a lack of hygiene in the kitchen and related cooking practices, reports of “bad”, “rotten”, “spoiled”, and “inedible food” were consistently discussed. Additionally, participants across facilities overwhelmingly reported being rushed through meals and experiencing hunger, explaining the portions they received were not sufficient to sustain them between meals. Respondents in the Torrance and Cibola facilities provided statements such as, “ the food is very little and we don’t get full, it is not enough”, “there is a chef, food should be balanced, the food he prepares is rotten, poorly cooked, very little, and we are left hungry”, “the food is bad, without any flavor and normally they give too little”, “the food is not nutritious, one feels very weak” and “they have kept us unjustly detained for too long under food poverty”.

Nearly every respondent held in the Otero facility used the following terms, “hungry”, “small portions”, “not enough” and “very little” to describe the daily rations they were provided. Respondents noted, “there is very little food, everyone is left hungry by the end of the day”, “every night I go to bed hungry, all of us do”, “the portions are always too small” and “I'm not used to that [the food], it hurts my stomach a lot. However, it's always too little food, I stay up late in the night because I get so hungry” and “sometimes the food is moldy or expired, the portions are so small and sometimes we don't eat because the quality is so bad”.

Participants described having lost weight since they had been imprisoned due to a lack of access to nutritious and substantial dietary options, explaining, “the food is not sufficient, and is not well prepared. I have lost quite a bit of weight since being detained” and “there's never enough food to go around and I'm always left hungry. In my time here, I've already lost 10 pounds”. Another respondent described developing a medical condition due to the diet provided in the Otero facility, stating, “because of the fat in the food, my blood pressure has risen dramatically. I've never had health problems before, but I'm 61 and my body can't adjust so quickly to life in a detention center. Thankfully, I have meds that I can take to help with the pressure, but they make me dizzy. I feel slightly dizzy and nauseous all the time now”.

In addition to a lack of access to healthy food and adequate nutrition, participants mentioned limited access to clean drinking water and waiting for hours after requesting this basic necessity, stating, “It takes up to four hours to get drinkable water, sometimes they don't even bring it”, “I

was put in solitary confinement for 26 days and no one communicated with me. I felt so lost, scared, and confused, and there were long periods of time when they didn't even give me water”, and “yes, there is negligence. Sometimes I ask for water, and it takes a long time to get it”.

Labor Exploitation

Across the board participants described an eagerness to participate in work programs, yet many also described feeling “exploited” due to unethical employment practices on the part of the facility. Respondents described waiting weeks for payment for hours worked, explaining, “I only worked a week because they didn’t pay me. They had said that they would pay me. They ended up paying me like a month later, said that their system was like that.”, “I am part of the cleaning crew. I was paid \$9 at the beginning, but it has been weeks since I have been paid. I am not able to do my laundry because I do not have any credit in my account. I have done the work, but can’t keep my clothes clean because I haven’t been paid. I have requested my credit and have been told that it should appear in my account, but it never does”. If transferred or deported, migrants go uncompensated yet still suffer the lack of finances to cover the cost of basic necessities while detained.

Findings

Ongoing findings suggest study respondents have an acute awareness of the danger that the extreme lack of clear communication presents within the context of their confinement. Consistent poor communication seemed to heighten participants’ sense of vulnerability and powerlessness within the experience of an overall existentially threatening environment.

Over the course of this ongoing inquiry, in addition to the neglect and abuse outlined above, study participants have made note of concerns related to an overall lack of cleanliness of their living environments, bathing facilities and kitchen and dining areas. Concerns outlined in the current survey align with previous findings that explain consistent issues with unsanitary and unsafe living conditions. Although participants across facilities overwhelmingly expressed a desire to maintain a clean and sanitary living environment, they discuss a lack of access to the appropriate materials to do so. Respondents across facilities stated that the only cleaning and sanitization occurring within the facility was done by the migrants themselves who were

provided very minimal supplies and only one form of disinfectant which was similar to water and ineffective for use in cleaning. (AE, 2023)

Another aspect of detainment that respondents described as being difficult to endure was the experience of routine sleep disturbance which they noted negatively impacted their health and wellbeing. A respondent in the Torrance facility explained “they don’t let us sleep, at 2 or 3 in the morning they point their flashlights in our faces”. Sleep deprivation and a lack of control over one’s sleeping environment is detrimental to health and wellbeing and over time has been found to be psychologically debilitating. The nuance and prevalence of this issue was outlined in greater detail in the previous report (AE, 2023) within this study.

Larger Findings & Significance

The most significant finding outlined and discussed in this study was that of rampant due process suppression through the obstruction of migrant access to information and the means for self-advocacy. The collective experience of migrants across facilities in New Mexico indicates an organized effort to systematically obstruct the justice process through rushing the Credible Fear Interview (CFI) process for newly arriving migrants. This practice of restriction does not allow adequate time for asylum seekers to access the means necessary for self-advocacy and a fair opportunity to plead their case as they are unable to collect required documentation, develop an understand of the legal process, what is required of them, and prepare for the interview.

Across facilities, confusion, overwhelm, hopelessness, and indignation was expressed by participants who described, continuous failed efforts toward gaining critical knowledge in support of their own cases, consistent experiences of obstruction and never getting answers from officials. Access to legal assistance in preparation for the Credible Fear Interview (CFI) appeared to be generally unattainable, as many participants described having no understanding of the significance of the CFI until after it occurred.

After a negative CFI decision, the same individuals appeared to be then held in detention for months awaiting deportation and suffering the prolonged trauma of extended exposure to the hostile environment of the detention setting and the daily abuses and dehumanization

experienced there. The prevalence of rushed CFI's experienced by survey participants is alarming as this practice seems to directly obstruct the justice process by effectively disabling asylum seekers through preventing any opportunity for legal counsel or self-advocacy to take place until after the interview is conducted.

Considering the significance and prevalence of due process suppression and obstruction of migrant access to the means necessary for self-advocacy, it is necessary to highlight that this issue is underpinned by the cumulative impact of the neglect and abuses described in this study. Findings suggest exposure to the extreme and psychologically debilitating environment of immigration detention, in itself, can be described as torturous. Participants explained experiencing "psychological torture" during their prolonged detainment, as they waited weeks and months for information about their pending cases or deportation. These experiences seemed to be accompanied by feelings of great despair and hopelessness in the face of the daunting conditions they were subjected to.

Conclusion

This study has consistently found the experience of migrants civilly detained in New Mexico to be that of great suffering and torment. Overwhelmingly study participants across facilities have described grueling, abusive, neglectful, dehumanizing, and torturous experiences, all of which are clinically detrimental to migrant health and wellbeing, both physically and psychologically.

New Mexico continues to be complicit in subjecting highly vulnerable migrants to prolonged exposure to hostile and existentially threatening environments that forcibly require individuals to relinquish their autonomy. This is an extremely traumatic experience the effects of which cannot be overstated and at minimum can be described as complexly harmful, deeply debilitating, and long lasting. Further, this process appears to be disabling by design, permanently traumatizing people seeking safety and security while causing them and their families great suffering.

Over the course of 2023 data was collected from the 3 facilities in New Mexico holding migrants legally seeking asylum. The results of this investigation reveal glaring evidence that

suggests immigration detention is not a functional system for processing migrants, nor does it serve as a deterrent for those who come seeking asylum at the southern border. Rather, what is evidenced by these data and findings is that immigration detention appears to only be successful in profoundly traumatizing and dehumanizing thousands of extremely vulnerable people while pouring money into the pockets of private prison companies and contractors under the name of border security. In the educated view of this researcher, the practice of civil immigration detention appears to be a form of legalized human trafficking, prolonging human suffering and using citizen tax dollars to do so.

As a mental health professional and a researcher, I am left deeply questioning our collective humanity and complicity in this suffering. We can choose to implement beneficial rather than harmful policies related to immigration. What will it take for our elected officials to choose human dignity over revenue, compassion over capital, and align with their constituents to uphold the vales they have sworn an oath to maintain? When will we stop politicizing, thus perpetuating, an ever-costly humanitarian disaster? How long will we collectively justify human suffering as an inevitable product of the implementation of immigration policy?

References

Eagar, A. M. (2023). (rep.). *Report: Protocols & Practices of Degradation & Dehumanization. ICE Civilly Detained Migrant Study: Analysis of Detention Conditions & Migrant Experiences.*

Acknowledgements

This researcher would like to give special appreciation to the following organizations for their assistance in survey collection: Las Americas Immigrant Advocacy Center, Innovation Law Lab, and The New Mexico Immigrant Law Center.