

Unofficial Notes

ICE (OCC, ERO, and HSI) Stakeholders Meeting – December 6, 2019 at 10am.
3rd Fl auditorium at 101 W. Ida B. Wells Dr., Chicago, IL

What follows are notes from the liaison meeting, taken by AILA members. **These are not official minutes of the meeting and should not be used or cited as policy.**

As you all know, ICE HQ cut-off AILA liaison relationships earlier this year and we have not been able to engage with ICE on a local level. This has been sad because for years we have maintained great relationships with these offices and the leadership. The good news is that they have started to talk to us again. The format is a bit different and is now known as “Community Engagement” and so it is not exclusive to AILA.

There were about 50 people present at the meeting. The vast majority were AILA members representing the EB and our various ICE related committees. But there were also representatives from many of the Congressional offices, consul generals from Mexico, El Salvador, Honduras, Muslim mosques, the Kankakee Sherriff, and various other community groups. We were fortunate in that AILA submitted questions ahead of time in hopes that they would be addressed. Here’s the agenda they followed.

Agenda:

10:00 – 10:15 a.m. – U.S. Immigration and Customs Enforcement (ICE), Office of Partnership and Engagement, Community Relations Officer Manda Walters

10:15 – 10:45 a.m. – U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI), Special Agent-in-Charge James Gibbons

10:45 – 11:15 a.m. – U.S. Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO), Field Office Director Robert Guadian

11:15 – 11:45 a.m. – U.S. Immigration and Customs Enforcement (ICE) Office of Principal Legal Advisor (OPLA), Chief Counsel Karen Lundgren

11:45 – 12:00 p.m. – Facilitated Q&A

Here are a few of the highlights worth noting:

- We heard from James Gibbons, the Special Agent In Charge of ICE Homeland Security Investigations (“HSI”). The ironic part is that for years AILA has tried to engage with this

branch of ICE unsuccessfully but now under this administration we actually got to meet with them. Bottom line is that HSI does A LOT of things! I was very impressed with him and the work that his agents do. They focus on human trafficking, child exploitation, gangs, drugs, financial crimes, etc. We know HSI as the department that initiates the I-9 audits for employers. Out of his office, they initiated 1700 cases last year. There are a total of 6100 HSI special agents. The HSI office in Chicago covers IN, IL, and WI and has a total of 5 offices. He answered AILA's questions about the I-9 audit process and how the goal is to focus on criminal prosecutions of the employers. They are not there to conduct worksite raids and they have not done any of that sort of thing since Gibbons started in 2009. Last year, his office issued approximately 200 Notices of Inspection (aka I-9 audits) and he expects the numbers for this year to remain about the same. Bottom line that he emphasized was that employers need to be organized and prepared in case of an audit.

- We next heard from ICE-ERO's new Field Office Director (FOD) who took over for Ricardo Wong, Robert Guadian. He just started in September and so he is still learning the ropes. He comes from Texas where he spent most of his 22 year career at the border.
 - He is an excellent speaker and is certainly a PR kind of guy. He wants the "truth" to get out to the communities about how great ICE is and all that they do to keep our communities safe. He wants to be the one to tell the other side of the story.
 - He gave us some interesting numbers: For example, the average cost to house a detainee is \$124/day. Currently, there are 44,000 individuals detained. At the peak this summer, they had 54,000!
 - He emphasized that "safe and humane care" is key when it comes to detention. He then discussed how ICE provides top level medical care to detainees. (We can agree to disagree on that point!)
 - Chicago is one of the largest ICE-ERO offices in terms of geography. Our office covers six states (WI, IL, IN, KY, MO, KS). There are 10 sub-offices located outside of Chicago.
 - He emphasized, in response to AILA's questions, that YES, ATTORNEYS CAN ACCOMPANY THEIR CLIENTS to ICE Check-ins! He said that this is true even for the Family Unit cases. He said that the only exception is if the ICE officer is going to make an arrest.
 - He also addressed AILA's concerns about the waiting room issues. He totally understood and explained that no ICE-ERO office was built to accommodate the recent influx of cases. He told us that in 2/2020 they will be remodeling the lobby! The goal is to provide more space there to wait. During the period of remodeling, he explained that they would have a temporary secure space for people to wait. He also discussed how they are having the same issue in Indy and are aware of it.
 - He also addressed AILA's question regarding LPRs who are in EOIR proceedings who need their LPR cards back for some reason (to obtain a CDL, open a bank

account, etc.)—he said that we would just need to request that with the officer handling the case and they are able to return the LPR card in a case by case basis. This has been a constant issue with ICE-ERO for the last few years, so it will be interesting to see if anything actually changes on this point.

- AILA also raised the concerns about the issues regarding communication because we no longer have access to the docket sheets. AILA suggested that perhaps they create a separate detained and non-detained email account that we could use and then someone at ICE-ERO could be in charge of forwarding that request to the correct officer. He heard us and said that they are going to try and implement that ASAP. They stressed how their officers are rotating constantly so this seemed to be a good solution to the problem.
 - He was proud to share that his office removed 5000 individuals last year. Out of the 5000, he was also proud to proclaim that 3900 had criminal records. We later clarified with him that “criminal records” also included things like driving without a license. Out of the 5000 removed, 578 were sex offenders.
 - He emphasized his priorities in the Chicago Office:
 - Individuals with criminal convictions
 - Individuals with pending criminal cases
 - Someone who EWI-ed after a prior removal order
 - Individuals who have ignored IJ’s orders to leave the country
 - AILA asked him to clarify who he considered to be “criminals”—he basically said that if you are in handcuffs, taken to jail then you are a criminal. And that would absolutely include someone picked up for driving without a license.
 - He also emphasized that his number one mission is community safety.
 - He said this a million times, “ICE does not conduct raids...ICE conducts targeted enforcement actions.”
 - After the meeting, James Bond (AFOD for non-detained) shared with us this helpful info-We can contact each ERO office via nationwide ICE outreach email addresses: <https://www.ice.gov/contact/ero>
 - Chicago.outreach@ice.dhs.gov is monitored by ERO staff from 7am-3pm M-F and the email will be forwarded to appropriate team to respond. Need G28 or privacy release for case specific questions.
- We then heard from Karen Lundgren, Chief Counsel at OPLA Chicago.
 - She also explained that her office covers the same six states as ERO.
 - FUN FACT about Karen: She and her husband spent two years in El Salvador with the Peace Corps. I NEVER knew this about her! She talked about her love of Central America and the Central American people.

- Her office has a total of about 50 attorneys spread between Chicago, Kansas, and Louisville. The majority of the attorneys are in Chicago.
- Her priority is to “ensure justice is served”
- There are currently 60,000 cases pending right now between the three offices.
- Bottom line—they are simply struggling to keep up with the cases. And they have not been given the resources they need to make the hires that they need in terms of attorneys and support staff. They know that they are falling behind in responding to calls, emails, requests to join in motions, etc but it is simply because her attorneys are in court most every day and don’t have the time they need to do the rest of the work. They have hired 7 new attorneys in the past year but that has simply been to replace individuals who have left.
- **She announced that a trial attorney in her office, Samia Nadeem, is a new Immigration Judge here in Chicago** and she is just leaving for training now. She will be starting on the bench soon. She is probably around my age and she was only here in Chicago for a hot second. She was previously at OCC NY.
- Also another good piece of news: **Al Taher is a new deputy** under Karen along with Daniel Rah. Al is one of the good guys and I really like him personally. He is someone that I have always found to be reasonable. John Gountanis is the acting deputy chief of staff for DHS in DC for the time being.
- She reminded us that the Team email addresses are still working. She said that we should be on the lookout for a new factsheet coming out soon with a few updates to Team assignments.
- They understand the issues with communicating with the Duty Attorneys—the problem has been that many times the duty attorney is also scheduled to be in court.
- She explained that they understand our concerns with the E-Service system and have relayed those concerns to HQ. It all has to do with the rules regarding personal identifying information and how they can’t be emailing that information.
- She emphasized that we should all be using the E-Service portals. It makes things so much easier on their end to make sure that they attorneys receive the documents for court. She reminded us to make sure that we receive the two email confirmations. We want to make sure that our filing was accepted and not rejected for some reason. She explained that it can sometimes take 1-2 days for our filing to be reviewed and processed.
- In response to AILA’s questions relating to biometric issues, she explained that we would need to talk to USCIS about those issues. She said that they can sometimes help coordinate with us. And they are also planning on raising those issues directly with USCIS to see if they can work them out.
- She also explained that OCC sends notification of a grant of a case in EOIR ELECTRONICALLY usually right away but definitely within 48 hours. There is no longer a need for USCIS to have the physical A file in order to produce the card. They said that they are also going to raise these concerns of ours directly with USCIS.

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- For Joint Motions to Reopen, their goal is still 90 days in which to respond to our request. They know that they are falling short of this but are working hard. There is one OCC attorney who handles these requests and presents them to leadership. I believe that this is still Jessica Gelassi. She wanted us to understand that unfortunately these are not the priority of their office at the time being.
- They are still considering Joint Motions to Terminate to file AOS before USCIS—she emphasized that these need to be CLEAN cases, aka no criminal records. She asked that we continue to follow their fact sheet on how to file these requests with their office.
- In response to AILA's question about getting us the attorney assignments for court earlier, she explained that she gets those to us as soon as she is able to.