



Cornell Law School



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**VIA ELECTRONIC MAIL**

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**RE: Systemic Denial of Language Access at the Winn Correctional Center**

*“There are really great injustices being done to immigrants at Winn Correctional Center. Human rights are not respected in any way. Because they know very well that no one hears the voices of the immigrants here, and they use this. They are not afraid of humiliating immigrants, treating them like animals, threatening them, taking away their rights, silencing and obstructing them. The behavior and treatment here will be traumatizing for most people.  
This is psychological violence.”*

-Dervis Sahin, A# [REDACTED]

Dear Inspector General Cuffari, Officer for Civil Rights and Civil Liberties Wadhia, Ombudsman Gersten, and Field Office Director Harper:

When Dervis Sahin, a Turkish asylum seeker, arrived at Winn Correctional Center, he faced the impossible task of proving his asylum claim in a language he did not understand. Mr. Sahin, A# [REDACTED], could not accurately complete the Form I-589 Application for Asylum. The form was only provided to him in English, and the facility’s law library was of no help. First, each time he requested to visit the law library, his request took at least one week to be fulfilled. Once there, he only had one hour to use the library’s dictionary to prepare his legal documents. Second, the

library provided no legal materials in his native language of Turkish. Due to the lack of language access at the facility, Mr. Sahin was unable to defend his asylum case and was ultimately ordered removed.

Mr. Sahin's inability to access interpreters and translation services in detention also impacted his ability to communicate with facility staff members. He and the guards frequently resorted to pantomime to communicate. When the guards prepared a disciplinary report against Mr. Sahin for an alleged violation, they refused to explain the report's contents in a language that Mr. Sahin could understand, and they sanctioned Mr. Sahin with a commissary penalty without giving him a chance to respond to the allegations or to even understand what the allegations entailed. The language access issues that Mr. Sahin faced at Winn Correctional Center were echoed by many other people detained at the facility.

Cornell Law School Immigration Law and Advocacy Clinic, Robert F. Kennedy Human Rights, and the Southeast Dignity Not Detention Coalition submit this complaint detailing civil and human rights violations against individuals in the custody of U.S. Immigration and Customs Enforcement (ICE) at Winn Correctional Center ("Winn"), operated by LaSalle Corrections in Winnfield, Louisiana. Specifically, we express serious concerns regarding language access within the facility for Limited English Proficient ("LEP") individuals.<sup>1</sup> "LEP" is a government designation used to refer to "[i]ndividuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English."<sup>2</sup> Individuals detained at Winn consistently report issues with translation and interpretation services, particularly those who speak rare languages. These issues range from being unable to understand or complete crucial documents for applying for asylum and withholding of removal, to inadequate access to the law library, to delays with receiving medical care due to a lack of interpreters. Issues were discovered through interviews with 21 detained individuals at Winn conducted by Cornell Law student attorneys and supervisors between September 2023 and March 2024. All interviews utilized interpreters in detained peoples' best languages.<sup>3</sup>

The denial of language access both causes severe harm and exacerbates other issues within the facility. When detained individuals are unable to communicate due to language access issues, they may face life-threatening barriers in accessing medical and mental health care, experience prolonged detention, and experience retaliation such as placement in solitary confinement when they do not understand instructions from guards. Language access has implications for fundamental rights across every part of detention. Winn has also been the subject of complaints from advocates and detained individuals for years, prompting many organizations and members of Congress to call for the government to let its contract with LaSalle lapse when it was up for

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<sup>1</sup> A person who is limited English proficient (LEP) is "someone who does not speak English as their primary language and has a limited ability to read, speak, write, or understand English." See, e.g., U.S. Dep't of Homeland Security, *Language Access at the Department of Homeland Security*, <https://www.dhs.gov/language-access> (last accessed May 5, 2024). This designation has been established by the numerous federal government agencies and by presidential executive order. See, e.g., Exec. Order 13166, 65 CFR 159 (2000).

<sup>2</sup> U.S. Dep't of Just., Civil Rights, Division, Federal Coordinate & Compliance Section, *Commonly Asked Questions and Answers Regarding Limited English Proficient (LEP) Individuals*, Apr. 2011, [https://www.lep.gov/sites/lep/files/media/document/2020-03/042511\\_QA\\_LEP\\_General\\_0.pdf](https://www.lep.gov/sites/lep/files/media/document/2020-03/042511_QA_LEP_General_0.pdf).

<sup>3</sup> Other than Mr. Sahin, who gave permission to be named in this complaint, the A#s and full names of other interviewees are redacted here.

renewal earlier this year.<sup>4</sup> Despite the history of documented systemic abuses at Winn, the Biden administration decided to extend the facility’s contract.<sup>5</sup> Issues with access to medical care, inadequate and unsafe meals, substandard housing, and rampant abuse by guards are well documented.<sup>6</sup> Most recently, ICE officials at Winn have been accused of violently attacking dorm residents with pepper spray in response to a hunger strike by asylum seekers.<sup>7</sup> This office, the Office of Civil Rights and Civil Liberties (CRCL) itself expressed “serious concerns about the health and safety at Winn” and criticized the culture and conditions that can lead to abuse, mistreatment, and discrimination against detained people at the facility.<sup>8</sup>

When viewed together, these complaints paint a troubling picture about the conditions of confinement for those held at Winn. Language access issues particularly undermine the ability of immigrants to successfully present their claims and access their other rights in detention. These barriers are especially problematic because the majority of those detained at Winn proceed pro se, without any legal assistance at all. The importance of being able to understand and effectively communicate about their case and related proceedings is essential for these LEP individuals who must advocate for themselves. Without access to adequate translation and interpretation, meaningful self-representation is almost impossible.

Multiple agencies within the Department of Homeland Security (DHS) and the Department of Justice (DOJ) are responsible for the violations discussed in this complaint. ICE, the enforcement agency within DHS, is primarily responsible for maintaining immigration detention facilities across the United States through Enforcement and Removal Operations (ERO). Though ICE has contracted with LaSalle, a private corporation, to run Winn, ICE maintains oversight responsibility over the facility, has jurisdiction over parole requests, and is ultimately the agency with removal authority for noncitizens. USCIS, on the other hand, is responsible for conducting the credible fear interviews that precede most asylum court proceedings.

ICE and USCIS are governed by a patchwork of laws and regulations that establish federal standards for immigration detention and language access.<sup>9</sup> ICE is subject to the Performance-

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<sup>4</sup> See Letter to DHS Secretary & Anthology of Abuse: Violence and Neglect at the Winn Correctional Center (Dec. 6, 2023), available at <https://www.detentionwatchnetwork.org/sites/default/files/reports/Winn%20Anthology%20of%20Abuse%20Letter.pdf>; See Letter by Senators to DHS Secretary Alejandro Mayorkas, (May 14, 2023), available at [https://www.warren.senate.gov/imo/media/doc/final letter to dhs and ice on private detention center use 0514 2024.pdf](https://www.warren.senate.gov/imo/media/doc/final%20letter%20to%20dhs%20and%20ice%20on%20private%20detention%20center%20use%200514%202024.pdf)

<sup>5</sup> Jose Olivares, *Investigators wanted to close an abusive ICE facility. Biden’s administration extends its contract*, The Appeal, (July 25, 2024), available at <https://theappeal.org/biden-admin-extended-contract-abusive-ice-detention-center/>

<sup>6</sup> *Id.*; see also Daniella Silva, *Detainees and advocates decry ‘horrific’ conditions at Louisiana ICE detention center*, NBC News (July 17, 2023), available at <https://www.nbcnews.com/news/detainees-advocates-decry-horrific-conditions-louisiana-ice-detention-rcna92339>.

<sup>7</sup> See CRCL Complaint Regarding Use of Force, Medical Neglect, Verbal Abuse, Retaliation, and Violations of First Amendment Rights of Individuals Detained at the Winn Correctional Center on January 26, 2024, available at [https://www.documentcloud.org/documents/24521815-final-crcl-complaint-winn\\_32524](https://www.documentcloud.org/documents/24521815-final-crcl-complaint-winn_32524).

<sup>8</sup> Hamed Aleaziz, *Internal Investigators Told ICE to Stop Sending Immigrants to A Prison in Louisiana Because of a Culture that can Lead to Abuse*, BuzzFeed News (Dec. 15, 2021), available at <https://www.buzzfeednews.com/article/hamedaleaziz/ice-private-prison-louisiana-conditions>.

<sup>9</sup> The relevant regulations include (1) DOJ Language Access Plan, Exec. Office of Immigr. Rev., U.S. Dep’t of Just., The Executive Office for Immigration Review’s Plan for Ensuring Limited English Proficient Persons Have

Based National Detention Standards (“PBNDS”), which prescribe requirements for detention facilities, including those that are run by private prison companies like LaSalle. Furthermore, ICE and USCIS are subject to guidance and regulations from the DOJ, including plans for LEP individuals and EOIR policy directives.<sup>10</sup> These regulations create a framework that is meant to protect LEP immigrants from discrimination and unfair removal proceedings. Furthermore, under DHS’s November 2023 Language Access Plan, CRCL is tasked with leading DHS’s efforts to implement Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency* (August 11, 2000) (EO 13166), which requires each federal agency to “examine the services it provides to LEP individuals and develop and implement a system by which LEP persons have ‘meaningful access’ to those services without unduly burdening the fundamental mission of the agency.”<sup>11</sup> This Plan requires CRCL to investigate allegations of language access violations involving DHS policies, activities, and personnel.<sup>12</sup>

The violations detailed in this complaint include: **I) ICE violations of the PBNDS**, including failure to provide timely access to the law library, a lack of interpretation services for rare language speakers, and an inability for detained persons to meaningfully communicate with facility staff including ICE officers and medical staff; and **II) USCIS violations of due process and agency directives**, including failure to provide LEP individuals with timely and proper translation and interpretation services resulting in delays and adverse outcomes for credible fear interviews.

## **I. ICE Violates the Performance-Based National Detention Standards**

ICE consistently violates the PBNDS at Winn. These violations include failure to provide timely access to the law library and failure to facilitate access to the law library in appropriate languages.

### *a. ICE Fails to Provide Adequate Library Access and Language Assistance.*

Law libraries allow individuals in removal proceedings to research complex immigration law. Access to law libraries is essential to enable individuals to meaningfully contest their removal. Under the PBNDS, detention facilities are required to devise a flexible schedule which “permits all detainees . . . to use the law library on a regular basis,”<sup>13</sup> meaning a minimum of five hours per week.<sup>14</sup> The PBNDS further establishes an “ideal” standard of fifteen hours per week.<sup>15</sup> Furthermore, under the PBNDS, ICE is required to have a facility law librarian available to assist with legal research,<sup>16</sup> and ICE must provide more than English-language law books for LEP

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Meaningful Access to EOIR Services, §C(ix)(May 2012), <https://www.justice.gov/sites/default/files/eoir/legacy/2012/05/31/EOIRLanguageAccessPlan.pdf> [hereinafter EOIR LAP], (2) U.S. Immigr. & Customs Enf’t, Performance-Based National Detention Standards 2011, at 421–22 (rev. 2016), <https://www.ice.gov/doclib/detention-standards/2011/pbnds2011r2016.p> 2011 [hereinafter PBNDS]; and (3) DHS Language Access Plan, U.S. Dep’t of Homeland Security (November 2023), available at [https://www.dhs.gov/sites/default/files/2023-11/23\\_1115\\_dhs\\_updated-language-access-plan.pdf](https://www.dhs.gov/sites/default/files/2023-11/23_1115_dhs_updated-language-access-plan.pdf). [hereinafter DHS LAP 2023].

<sup>10</sup> See, e.g., DOJ Memorandum from David L. Neal, Director Regarding Language Access in Immigration Court (June 6, 2023) [hereinafter “Memo re: Language Access in Immigration Court”]

<sup>11</sup> DHS LAP 2023, *supra* note 9.

<sup>12</sup> *Id.*

<sup>13</sup> PBNDS, *supra* note 9, at 422.

<sup>14</sup> *Id.* at 423.

<sup>15</sup> *Id.* at 421.

<sup>16</sup> *Id.* at 426.

individuals detained at Winn.<sup>17</sup> Any general materials that are offered in English must be provided in Spanish and other languages upon request.<sup>18</sup> At Winn, ICE is in violation of these standards.

At Winn Detention Center, if detained people are given access to the library, they are not allowed adequate time or language access assistance. For example, a Turkish speaker had to join a weeks-long waitlist to access the library.<sup>19</sup> Similarly, a Wolof speaker had to wait multiple days before he was able to access the library.<sup>20</sup> When he was finally granted access, he was only able to stay for thirty minutes.<sup>21</sup> There was no one present to help him translate documents and legal resources in his language.<sup>22</sup> Similarly, when another Wolof speaker went to the library, he was only provided with English materials.<sup>23</sup> No interpretation or translation was available.<sup>24</sup> A Marshallese speaker similarly found that there were no Marshallese resources in the library and that the computers were not navigable in Marshallese, even for those who were literate.<sup>25</sup> He further noted that the librarian was hostile and unhelpful, refused to use an interpreter, and refused to help with computer searches or document translations.<sup>26</sup> Even when those who are detained are able to physically enter the law library, their access is superficial if they are not provided with materials they understand. Untranslated English materials do not provide LEP detained persons with a fair chance to prepare their cases, and the failure to ensure access to these documents violates ICE's own standards.

Additionally, Winn Correctional Center has violated the rule requiring requests for materials not in the law library to be fulfilled within five business days.<sup>27</sup> For example, a Marshallese speaker experienced library requests going unanswered for weeks and ultimately being denied.<sup>28</sup> These kinds of delays limit detained peoples' ability to perform research necessary to prepare their cases. Without access to the law library, immigrants at Winn Correctional Center like the Marshallese speaker, many of whom are representing themselves pro se, are ultimately unable to research complex immigration laws and thus unable defend themselves in their removal proceedings. ICE's denial of law library access leads to final orders of removal that are exceedingly difficult to challenge.

*b. ICE Fails to Provide LEP Individuals with Adequate Interpretation and Translation Services.*

In addition to providing English-language law books, the PBNDS requires ICE to provide assistance to LEP individuals who indicate difficulty with legal material.<sup>29</sup> ICE fails to provide individuals detained at Winn with adequate interpretation and translation services, both inside and outside of the law library. This is especially harmful where LEP individuals are unable to understand documents that are essential to their immigration cases. For example, when a Wolof

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<sup>17</sup> PBNDS, *supra* note 9, at 426.

<sup>18</sup> *Id.*

<sup>19</sup> Cornell Law School 1L Immigration Law and Advocacy Clinic Tele-Conferencing Interview, Oct. 16, 2023.

<sup>20</sup> Cornell Law School 1L Immigration Law and Advocacy Clinic Tele-Conferencing Interview, Feb. 16, 2024.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> Cornell Law School 1L Immigration Law and Advocacy Clinic Tele-Conferencing Interview, Feb. 16, 2024.

<sup>24</sup> *Id.*

<sup>25</sup> Cornell Law School 1L Immigration Law and Advocacy Clinic Tele-Conferencing Interview, Feb. 27, 2024.

<sup>26</sup> *Id.*

<sup>27</sup> PBNDS, *supra* note 9, at 425.

<sup>28</sup> *Id.*

<sup>29</sup> PBNDS, *supra* note 9, 426.

speaker received a copy of his I-589 asylum application form, no one translated it into a language he could understand.<sup>30</sup> Without the necessary interpretive services, the Wolof speaker was not able to complete the forms and was ultimately ordered removed. When ICE officers gave him his removal order to sign, they informed him that the document was a removal order, but they did not translate the document or otherwise explain the basis for his removal. A Turkish speaker also could not complete an I-589 to apply for asylum because the document was only available in English.<sup>31</sup> Instead of having the opportunity to work with an interpreter to complete the application documents, he had to submit this important form with partial information due to his extremely limited understanding of English.<sup>32</sup>

In the credible fear process, detained people also reported a lack of interpretation and translation. Two detained Mandarin speakers received written adverse credible fear interview (“CFI”) determinations, which they could not understand because the documents were not translated. While these documents may ultimately be given to the detained individuals by EOIR or USCIS, ICE is responsible for ensuring that detention facilities like Winn have resources to translate these critical legal documents for LEP individuals.<sup>33</sup>

The lack of qualified interpreters has grave consequences on immigrants’ cases. These issues often cause significant delays in an individual’s case, and they may also be accompanied by negative credibility findings and prejudicial outcomes. In one case, a Punjabi speaker at Winn had his hearing date delayed twice because Winn failed to provide the translation services necessary for him to complete his I-589.<sup>34</sup> When his hearing date came around the third time, he was ordered removed without ever having an opportunity to fill out his I-589.<sup>35</sup> While this was one individual’s story the Clinic heard, it is emblematic of the grave consequences the language access at Winn can have on LEP individuals. ICE’s failure to provide interpretation, in violation of its own standards and federal law, should not cause an asylum seeker to be deported. The lack of access to these interpretive services severely undermines the ability of individuals to advocate for relief in their proceedings and likely leads to the denial of meritorious claims for asylum, withholding of removal, and/or relief under the Convention Against Torture (CAT).

*c. ICE Does Not Provide Detained Individuals Access to Communication with Facility Staff Members, ICE Officers, and Detention Officers in Languages They Understand.*

Under the PBNDS, detained persons must be provided with “frequent informal access to and interaction with key facility staff members, as well as key ICE/ERO staff in a language they can understand.”<sup>36</sup> Winn violates the PBNDS by failing to provide communication in languages that detained people understand, forcing detained people to rely on makeshift pantomime communication or causing a lack of communication altogether. Detained people in interviews uniformly reported that detention facility staff did not speak any language other than English and did not make any attempt to use an interpreter to communicate. For example, a Mandarin speaker

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<sup>30</sup> Cornell Law School 1L Immigration Law and Advocacy Clinic Tele-Conferencing Visit, Nov. 17, 2023.

<sup>31</sup> Cornell Law School 1L Immigration Law and Advocacy Clinic Tele-Conferencing Visit, Oct. 26, 2023.

<sup>32</sup> *Id.*

<sup>33</sup> PBNDS, *supra* note 9, at 422.

<sup>34</sup> Cornell Law School 1L Immigration Law and Advocacy Clinic Interview at Winn, Sept. 2023.

<sup>35</sup> *Id.*

<sup>36</sup> PBNDS, *supra* note 9, at 189.

and a Turkish speaker reported that they could not understand detention officers in daily interactions and were forced to resort to pantomime to communicate.<sup>37</sup> Similarly, no interpretation was provided by Winn detention officers to a large group of detained people who spoke Wolof, making it impossible for them to communicate with or understand detention facility staff.<sup>38</sup>

The lack of interpretation services in daily interactions with staff and officers prevents detained individuals from accessing crucial information. Reliance on grossly inadequate communication such as pantomiming deprives detained individuals of a fundamental ability to converse and be heard within the detention center.

*d. ICE Fails to Provide Translation Services for Investigative and Disciplinary Reports and Punishes Detained People Who Do Not Wish to Sign Untranslated Documents.*

The PBNDS mandates that “detainees with limited English proficiency (LEP) shall receive translation or interpretation services . . . in order to meaningfully participate in the investigative, disciplinary, and appeal process.”<sup>39</sup> However, people detained at Winn who do not speak English are often not provided with any translation or interpretation in disciplinary proceedings and are forced to sign documents without knowing or understanding their contents. This can have a negative impact on their case that prejudices their ability to effectively advocate for themselves. For example, when a Turkish speaker asked for a translation of a report from English to Turkish, he never received it. Because he could not understand the document in English, he refused to sign it. Shortly thereafter, he was given a commissary penalty with no explanation and no interpretation.<sup>40</sup> On another similar occasion, a Marshallese speaker was retaliated against by ICE officials for refusing to sign a document that he could not understand.<sup>41</sup> He was given a document to sign without being allowed the advice of counsel or translation. He refused to sign without consulting an attorney or translator. He was subsequently placed in solitary confinement for two and a half days. The facility’s use of punishment and coercion to elicit signatures before a detained individual understands the documents is extremely troubling.<sup>42</sup>

*e. LEP Individuals Denied Adequate & Timely Medical Care Due to Language Access Issues.*

The PBNDS requires detention facilities to “provide appropriate interpretation and language services for LEP detainees related to medical and mental health care” and to provide appropriate interpretations at medical appointments.<sup>43</sup> Winn and ICE at times fail to provide LEP individuals with appropriate interpretation at their medical appointments, leading to delays in medical care that could exacerbate existing health concerns for LEP individuals under ICE’s care. For example, although a Marshallese speaker asked multiple times for the on-site medical services to be interpreted into Marshallese, his requests were ignored, and he never received an interpreter. The facility’s failure to provide interpretation services endangers the health and well-being of migrants held at Winn.

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<sup>37</sup> Cornell Law School 1L Immigration Law and Advocacy Clinic Interview at Winn, Sept. 2023.

<sup>38</sup> Cornell Law School 1L Immigration Law and Advocacy Clinic Interview at Winn, Sept. 2023.

<sup>39</sup> PBNDS, *supra* note 9, at 216.

<sup>40</sup> Cornell Law School 1L Immigration Law and Advocacy Clinic Tele-Conferencing Visit, Oct. 26, 2023.

<sup>41</sup> Cornell Law School 1L Immigration Law and Advocacy Clinic Tele-Conferencing Visit, Feb. 16, 2024.

<sup>42</sup> *Id.*; PBNDS, *supra* note 9, at 216.

<sup>43</sup> *Id.* at 264.

## II. USCIS Violates Due Process Rights and Federal Law

Within Winn Correctional Center, the Clinic found that USCIS also has violated federal law and the agency's own policies. Detained people have been unable to review fear interview results from USCIS in a language they speak or understand. Detained people who speak rare languages have experienced extreme delays for credible fear interviews. The many issues experienced by LEP individuals at Winn are attributable to failures by ICE, but also by USCIS.

### *a. USCIS Has Failed to Provide Timely Credible Fear Interviews in Appropriate Languages and Translate Interview Results.*

USCIS requires LEP detained persons to receive or explicitly waive the right to be interviewed in their preferred languages.<sup>44</sup> USCIS further requires the asylum officers to “keep in mind” that LEP individuals who can provide “basic biographic and travel information” in one language, may “not be able to discuss or feel comfortable discussing their credible fear claim in depth in that same language.”<sup>45</sup> If the interview proceeds in a language other than the LEP individual's preferred language, the asylum officer must confirm throughout the interview and at the conclusion of the interview that the LEP understood the interview and was able to testify accurately and completely.<sup>46</sup> Yet, the Clinic found that detained people who spoke rare languages were often waiting months for a credible fear interview, prolonging the detention of individuals who may have meritorious claims for asylum. Some were pressured into moving forward with a CFI in a language that was not their best language. Others further reported that the results of their interview were not interpreted for them.

For example, a Mandarin speaker had an interpreter who he believed did not completely and accurately interpret his CFI, failing to interpret exactly what he stated. When he received his negative result in English, nobody explained the result to him in Mandarin.<sup>47</sup> The Clinic also spoke to a Soninke speaker who, because he spoke a rare language, was told he should proceed with his CFI in French, and as a result was not able to communicate as well as he could have in Soninke. A Wolof speaker was detained for months without ever receiving a credible fear interview, and believed it was due to a lack of interpreters.<sup>48</sup> The Clinic also identified a Kurdish speaker who had a delay of over 90 days waiting for his CFI. The Clinic advocated for him to receive a discretionary NTA due to his long period of confinement without a CFI, and that request was granted. However, it is unclear how long he would have been detained without any CFI or court hearing had the Clinic not intervened.

These CFI delays mean that asylum seekers remain detained at Winn for weeks and months without their cases moving forward at all, in gross violation of due process.<sup>49</sup> In addition to delays in the asylum process, the lack of meaningful interpretation at a CFI inhibits the ability of officials to accurately or fairly assess the extent to which an asylum-seeker fears returning to their home country, resulting in a higher likelihood of negative determinations. A negative CFI result can have

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<sup>44</sup> *Credible Fear Procedures Manual*, U.S. Citizenship and Immigration Services, 13 (2023), <https://www.uscis.gov/sites/default/files/document/guides/CredibleFearProceduresManual.pdf>

<sup>45</sup> *Id.* at 13.

<sup>46</sup> *Id.*

<sup>47</sup> Cornell Law School 1L Immigration Law and Advocacy Clinic Interview at Winn, Sept. 2023.

<sup>48</sup> Cornell Law School 1L Immigration Law and Advocacy Clinic Tele-Conferencing Interview, Feb. 16, 2024.

<sup>49</sup> *Id.*



dire consequences in an asylum seeker's case and may ultimately prevent meritorious claims from being appropriately adjudicated. The denial of adequate interpretation at this interview highly prejudices an individual's immigration proceedings.

## **Conclusion**

Winn Correctional Center is operating in violation of several laws and regulations, including the PBNDS and various agency guidance and regulations. These violations result in serious harm to LEP individuals, particularly those facing imminent removal. By failing to provide adequate interpretive services to detained people, ICE severely hinders their ability to meaningfully contest their removal. These LEP individuals are unable to successfully advocate for themselves in English, a language they fundamentally cannot understand. Further, lack of adequate communication results in erroneous deportation of asylum-seekers back to the countries where they face risk of violence and death. These language access issues also present serious constitutional issues, including violations of due process and equal protection as the results of proceedings without adequate interpretation may lead to erroneous and prejudicial findings that may be impossible to challenge in future proceedings. Courts across the country have long recognized that adequate interpretation is necessary to ensure the fundamental fairness of proceedings.<sup>50</sup>

Winn, operated by LaSalle Corrections under an ICE contract, is directly responsible for providing essential services to individuals detained under their care. As one of the largest facilities in the South, Winn has a duty to adhere to federal standards and regulations regarding language access. Despite ICE's oversight, Winn has consistently failed to provide adequate translation and interpretation services to LEP individuals. This failure is not only a violation of the PBNDS, but also a reflects a systemic disregard for the migrants in their custody. Winn's lack of investment in high quality interpretive services has had direct and extremely negative impacts on many proceedings and ultimately undermines the integrity of our federal immigration system.

## **Recommendations**

Winn Correctional Center has systemically failed to provide language access to detained people, resulting in due process issues and a lack of safety for individuals detained at Winn. Therefore, our first recommendation is that DHS shut down Winn Correctional Center. Shutting down Winn would be the most expeditious and reasonable way to correct these issues, as the language access issues are just one part of a catalogue of problems at the facility.<sup>51</sup>

While Winn remains operational, we recommend the following immediate measures:

1. That Winn prioritize LEP individuals, as a vulnerable population, for release from detention on parole whenever possible;

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<sup>50</sup> See, e.g., *B.C. v. Att'y Gen.*, 12 F.4th 306, 314 (3rd Cir. 2021); see also *Perez-Lastor v. INS*, 208 F.3d 773, 778 (9th Cir. 2000) ("It is long-settled that a competent translation is fundamental to a full and fair hearing. If a [noncitizen] does not speak English, deportation proceedings must be translated into a language the [noncitizen] understands."); *Matter of Tomas*, 19 I&N Dec. 464, 465 (BIA 1987) ("The presence of a competent interpreter is important to the fundamental fairness of a hearing, if the [noncitizen] cannot speak English fluently.").

<sup>51</sup> See Letter to DHS Secretary & Anthology of Abuse: Violence and Neglect at the Winn Correctional Center (Dec. 6, 2023), available at [https://www.detentionwatchnetwork.org/sites/default/files/reports/Winn%20Anthology%20of%20Abuse\\_w%20Letter.pdf](https://www.detentionwatchnetwork.org/sites/default/files/reports/Winn%20Anthology%20of%20Abuse_w%20Letter.pdf).

2. That Winn provide professional and adequate interpretation and translation services to all detained individuals and in all requested languages in various contexts, including for important court documents, at the law library, the provision of any document, interactions with Deportation Officers and facility staff, disciplinary proceedings, and medical appointments;
3. That standards of quality be imposed on translators and interpreters, and that only qualified personnel are used to provide such services;
4. That ICE and Winn adopt a reasonable timeline for obtaining qualified interpreters for uncommon languages; and
5. That ICE and Winn adopt a policy to identify LEP individuals and coordinate interpretation before crucial interviews and proceedings such that these are not delayed.

The recommendations simply bring ICE, USCIS, and ERO into compliance with existing law and standards of care. As Winn Correctional Center has failed to meet these standards, it should be closed. In the meantime, we request that the above recommendations be implemented to ensure that Winn complies with the above directives and policies. Furthermore, we request the release of Dervis Sahin, A# [REDACTED], whose story is highlighted in this complaint and who remains detained. His experience reflects troubling violations of his constitutional and statutory rights at Winn.

If you have any questions or need further information, please reach out to Jaclyn Kelley-Widmer at [jak533@cornell.edu](mailto:jak533@cornell.edu) or Sarah Decker at [decker@rfkhumanrights.org](mailto:decker@rfkhumanrights.org).

Sincerely,

Cornell Law School Immigration Law and Advocacy Clinic  
Robert F. Kennedy Human Rights  
Southeast Dignity Not Detention Coalition