



## **Submission to the International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement (EMLER)**

**August 2025**

### **I. Introduction**

This submission is presented to the Expert Mechanism to inform and urge accountability for systemic human rights abuses against Black noncitizens incarcerated in Louisiana’s immigration detention network. Drawing on individual testimonies, quantitative evidence, and field research, we document the ways in which the United States government, through Immigration and Customs Enforcement (“ICE”), subjects Black noncitizens to racialized harm, prolonged incarceration, and legal isolation disguised as administrative detention.

Today, over 6,000 noncitizens are detained across nine ICE facilities, all operated under the New Orleans Field Office (“NOLA ICE”).<sup>1</sup> These facilities are situated in remote and economically vulnerable areas, forming a carceral corridor known as “Detention Alley.”<sup>2</sup> Louisiana also emerged as the epicenter of the U.S. government’s mass detention and deportation regime with the conversion of a former air force base into the Alexandria Staging Facility (“Alexandria”), located in Central Louisiana. Alexandria serves as the primary departure hub for deportation flights; it is a massive “processing area” where individuals are restrained, shackled, and deprived of access to counsel.<sup>3</sup>

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<sup>1</sup> Robert F. Kennedy Human Rights, et al., *Inside the Black Hole: Systemic human Rights Abuses Against Immigrants Detained & Disappeared in Louisiana*, Robert F. Kennedy Human Rights, 5 (Aug. 26, 2024) [hereinafter *Inside the Black Hole*], <https://perma.cc/C5EL-QDR5>.

<sup>2</sup> TRAC Immigration, *Immigration Detention Statistics: A Retrospective and a Look Forward* (Feb. 21, 2025), <https://perma.cc/HJ9X-MS6Z>; see also Molly Hennessy-Fiske, *In ‘detention alley,’ a small town benefits from a big ICE facility*, Washington Post (May 28, 2025), <https://tinyurl.com/y7sjrzb2>.

<sup>3</sup> *Inside the Black Hole*, *supra* note 1, at 14–15 (There are no client-attorney visitation rooms, no process for attorneys to schedule legal calls, no facility contact for legal calls, and on-site visitations are closed to the public).

For Black noncitizens, detention is not merely a procedural hold, but a tool of racialized exclusion, legal isolation, and coerced deportation. The following submission provides a comprehensive overview of the abuses concentrated in NOLA ICE jails, including abusive detention practices, racial discrimination, solitary confinement, medical neglect, and barriers to legal access and language interpretation.

## **II. Louisiana as a Contemporary Site of Racialized Incarceration**

Louisiana plays a central role in the U.S. immigration detention regime, where legacies of “plantations and convict leasing prisons” facilitate racialized mechanisms of exclusion.<sup>4</sup> With its history of racialized incarceration and vast carceral infrastructure, Louisiana became fertile ground for the expansion of ICE Jails.<sup>5</sup> Private prison companies quickly repurposed empty prison beds to house migrants.<sup>6</sup> Today, all but one of Louisiana’s ICE Jails are now privately operated, around 98% of detainees are held in for-profit NOLA ICE jails.<sup>7</sup>

The U.S. government opened its first high-capacity immigration detention center in Oakdale, LA in 1986. Now, eight of nine NOLA ICE Jails are repurposed prisons whose anti-Black histories extend to the “cultures of abuse today.”<sup>8</sup> These facilities are surrounded by barbed wire, located in remote areas over 100 miles from the nearest urban centers.<sup>9</sup> Though legally civil, NOLA ICE Jails are built to isolate, surveil, and punish—effectively they operate as prisons.<sup>10</sup>

This system follows a perverse financial logic, wherein cutting corners increases profits. To maximize returns, companies understaff facilities, pay detainees \$1 a day to upkeep the facilities themselves, and deny adequate food, clothing, and medical care.<sup>11</sup> Government oversight agency inspectors have found expired food at the Central Louisiana ICE Processing Center (“CLIPC”), and unsanitary conditions leading to COVID-19 outbreaks and preventable deaths at Winn

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<sup>4</sup> Timantha Goff et al., *Uncovering the Truth: Violence and Abuse Against Black Migrants in Immigration Detention*, Freedom for Immigrants, 19 (Oct. 2022) [hereinafter *Uncovering the Truth*], <https://perma.cc/QRB8-9GX4>.

<sup>5</sup> Yuki Noguchi, *Unequal Outcomes: Most ICE Detainees Held In Rural Areas Where Deportation Risks Soar*, NPR (Aug. 15, 2019), <https://perma.cc/A85V-3U5N>.

<sup>6</sup> Emily Ryo and Ian Peacock, *The Landscape of Immigration Detention in the United States*, AILA Special Report (2018), <https://perma.cc/ZCY9-PMWL>.

<sup>7</sup> See *Inside the Black Hole*, *supra* note 1, at 19 (This figure was calculated using ICE’s FY2024 Detention Data, showing that 6,061 out of 6,184 total detained people in Louisiana were held in private prisons).

<sup>8</sup> *Inside the Black Hole*, *supra* note 1, at 13, 15–18; See also Presley Bo Tyler, *What is the South Louisiana ICE Processing Center. It has a past of reported abuse*, Shreveport Times (Mar. 27, 2025), <https://perma.cc/WGG6-5ZK8>; Jessica Rofé, *Peripheral Detention, Transfer, and Access to the Courts*, 122 Mich. L. Rev. 867, 889 (2024).

<sup>9</sup> Detention conditions are indistinguishable from prisons: detained individuals wear color-coded jumpsuits, are confined to locked cells, and subjected to constant surveillance. Many detainees report conditions are harsher than those they experienced during criminal sentencing. See *Inside the Black Hole*, *supra* note 1, at 18–22.

<sup>10</sup> See generally Working Grp. on Arbitrary Det., *Report of the Working Group on Arbitrary Detention on its Visit to the U.S.*, ¶ 27, U.N.Doc. A/HRC/36/37/Add.2 (Jul. 17, 2017).

<sup>11</sup> *Id.*; see also McKenzie Funk, *An ICE Contractor Is Worth Billions. It’s Still Fighting to Pay Detainees as Little as \$1 a Day to Work*, ProPublica (Mar. 19, 2025), <https://perma.cc/F8HM-BZZB>.

Correctional Center (“Winn”). CLIPC, run by the GEO Group, assigns each ICE officer over 230 detainees. Because noncitizens cannot leave their cells unescorted, attendance at medical appointments and accessing legal aid are privileges granted to the lucky few. These practices are central to the for-profit immigration detention model, and investors recognize this reality. After Trump’s 2024 victory, GEO Group’s stock sky-rocketed as markets anticipated harsher enforcement and increased contracts.<sup>12</sup> This response reveals how detainees’ deaths, neglect and rights violations are monetized and factored into projected profits.

NOLA ICE detains more people for longer periods than any other ICE field office. Six of its nine facilities exceed the national average length of detention, and those held directly before deportation or release are twice as likely to be detained for more than 180 days compared to those detained elsewhere.<sup>13</sup> These practices are racialized: Black asylum seekers are detained 27% longer than non-Black asylum seekers, and are more likely to be deemed “flight risks” or “dangerous.”<sup>14</sup> Individual testimonies attest to the racialized nature of release decisions:

One Congolese asylum seeker detained at Winn reported being told by an ICE officer that African asylum seekers were “inferior,” thus less likely to be released.<sup>15</sup> A Senegalese asylum seeker also detained at Winn for five months observed that African detained people remained in custody “eight, nine, ten months,” while other nationalities were never “detained that long.”<sup>16</sup>

Despite the U.S. government’s statutory authority to release individuals on a case-by-case basis, NOLA ICE denies discretionary parole at the highest rate nationwide.<sup>17</sup> This refusal to exercise discretion, compounded by structural barriers and geographic isolation, forces many Black noncitizens to abandon viable claims and accept deportation to escape continued trauma in detention.<sup>18</sup> With legal representation, detained immigrants are four times more likely to be released and twice as likely to win their immigration cases; yet, access to counsel is severely limited in Louisiana.<sup>19</sup> Of all habeas petitions filed in Louisiana seeking release, Black noncitizens

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<sup>12</sup> Aparna Narayanan, *These Prison Stocks Jump Again After Trump's Hardline Border Move*, Inv. Bus. Daily (Nov. 11, 2024), <https://perma.cc/3LAZ-BT5K>.

<sup>13</sup> *Inside the Black Hole*, *supra* note 1, at 24 (citing U.S. Immigr. and Customs Enf’t, Budget Overview Fiscal Year 2025 4 (2024)).

<sup>14</sup> See Nat’l Imm. J. Ctr., “No Human Being Should Be Held There” *The mistreatment of LGBTQ+ and HIV-Positive People in U.S. Federal Immigration Jails* at 7 n. 4 (June 2024) [hereinafter *No Human Being Should Be Held There*], <https://perma.cc/NFU8-WVGC>; see also Gilberto Rosas & Virginia Raymond, *Migrant Detention Turns Deadlier: The Covid-19 Emergency Only Deepens the Crisis of Inhumanity in the U.S. Carceral Immigration System. The Only Way to Truly Protect Migrant Lives Is to Abolish Detention*, 52 NACLA Rep. Am. 289, 293 (2020); see generally Rebecca G. “I’m a Prisoner Here.” *Biden Administration Policies Lock Up Asylum Seekers*, Human Rights First (April 2021), <https://perma.cc/W4HS-BK2Z>;

<sup>15</sup> Rebecca G., *supra* at 14.

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

<sup>17</sup> See *Inside the Black Hole*, *supra* note 1, at 25.

<sup>18</sup> *Id.* at 21–24.

<sup>19</sup> *Id.* at 20 (citing Ingrid Eagly and Steven Shafer, *Access to Counsel in Immigration Court*, AMERICAN IMMIGR COUNCIL 2-3 (Sept. 2016)).

accounted for 57%.<sup>20</sup> They were also more likely to face deportation due to a criminal conviction, and more often held in mandatory detention without bond hearings.

Frequent transfers to NOLA ICE Jails further obstruct legal advocacy.<sup>21</sup> Oakdale “epitomiz[es] the production of remoteness: designed to be far away from attorneys...to increase the speed and number of deportations.”<sup>22</sup> ICE routinely relocates detained people from other states into Louisiana, incarcerating them far away from family members and insulating them from public scrutiny and frustrating access to legal representation.<sup>23</sup> One West African asylum seeker and longtime New York resident, was transferred across four states, including Louisiana, despite a federal court order staying his transfer.<sup>24</sup> ICE’s apparent objective was to transfer his habeas petition into a Louisiana court more likely to defer to the U.S. Department of Homeland Security’s authority—a strategy of forum-shopping that undermines judicial oversight.<sup>25</sup>

The consequences of these punitive policies and practices are far-reaching. At River Correctional Center (“River”), a group of 14 Senegalese men remained detained for up to 134 days after their final removal orders.<sup>26</sup> Similar post-removal-order detention periods were documented for individuals from the Democratic Republic of Congo and Angola.

### **III. Systemic Abuses Against Black Migrants in Louisiana ICE Jails**

#### **A. Racial Discrimination**

Black people detained in Louisiana face pervasive racialized abuse and discriminatory treatment by both ICE officers and other detainees. Although Black noncitizens comprised six percent of the total detained population between 2016 and 2021, they made up 28% of all abuse-related reports to Freedom for Immigrants (“FFI”).<sup>27</sup> This overrepresentation reflects the culture of dehumanization normalized within NOLA ICE’s detention regime, where anti-Blackness informs discretionary decision-making, conditions of confinement, and access to protection or care.

Facilities like Richwood Correctional Center (“Richwood”), Winn, and CLIPC reported the highest rates of abuse against Black noncitizens between 2016 and 2021.<sup>28</sup> Black migrants detained

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<sup>20</sup> Gabriela Cruz et al., *No End in Sight: Prolonged and Punitive Immigration Detention in Louisiana*, at 9 (May 2021) (more than a third were from Caribbean nations, and over one-fifth were from African countries) [hereinafter *No End in Sight*], <https://perma.cc/53UV-FQ8W>.

<sup>21</sup> Jessica Rofé, *Peripheral Detention, Transfer, and Access to the Courts*, 122 Mich. L. Rev. 867, 903–04 (2024).

<sup>22</sup> *Id.* at 889–90.

<sup>23</sup> *Id.* at 895 n. 179.

<sup>24</sup> *Id.* at 900.

<sup>25</sup> Rofé, *supra* note 21, at 901.

<sup>26</sup> *Inside the Black Hole*, *supra* note 1, at 25.

<sup>27</sup> *Uncovering the Truth*, *supra* note 3, at 9 (over 53% of the most life-threatening cases that FFI intervened in involved Black migrants).

<sup>28</sup> *Uncovering the Truth*, *supra* note 3, at 20.

in Louisiana facilities were nearly twice as likely to experience abuse than other detained people.<sup>29</sup> NOLA ICE officers have brutally responded to African asylum seekers peacefully protesting their mistreatment and prolonged detention conditions—choking, beating, and pepper-spraying them before throwing them in solitary confinement cells.<sup>30</sup> Coercive tactics, like forced fingerprinting, are used against detained individuals—including six Cameroonian asylum seekers detained at the privately-operated Jackson Parish Correctional Center (“Jackson Parish”).<sup>31</sup> One Cameroonian asylum seeker who was violently tackled and pinned with a knee to the neck testified his treatment was “because I was Black and from Africa.”<sup>32</sup>

Reports have also captured NOLA Officers using explicitly racist language—wishing they could “lynch them,” and dismissing COVID-19 concerns with comments like “Fuck Black people.”<sup>33</sup> Such statements reveal individual bias, and the structural impunity with which anti-Black racism operates in ICE jails. Anecdotal reports compiled by the Black Alliance for Just Immigration (“BAJI”) documents racialized violence inflicted against Black detainees, including verbal and physical abuse, coercive deportation practices, and increased bond amounts. These patterns of discrimination have become a defining feature of NOLA ICE’s carceral practices.<sup>34</sup>

## **B. Lack of Transparency**

The U.S. government obstructs public oversight and hinders any comprehensive analysis of racial disparities in immigration detention by deflecting scrutiny. While the Department of Homeland Security insists it does not collect race or ethnic data on detained individuals, BAJI’s FOIA request has exposed this claim as false.<sup>35</sup>

Documents obtained through ongoing FOIA litigation reveal that ICE does collect racial data; however, it does so inconsistently and inaccurately, acting as structural barriers to shield the U.S. government from accountability.<sup>36</sup> For example, Black detainees are often mislabeled as “white” in ICE records, concealing racialized harm and frustrating advocacy, litigation and statistical review. The Department of Homeland Security repeatedly denies it collects this data, but has failed

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<sup>29</sup> *Id.* at 9.

<sup>30</sup> Human Rights Watch, “How Can You Throw Us Back?”: Asylum Seekers Abused in the US and Deported to Harm in Cameroon (Feb. 10, 2022) [hereinafter *How Can You Throw Us Back*] <https://perma.cc/53MB-XS3M>; See also Katie Jane Fernelius, “Someone Needs to Listen to Us”: Why African Asylum Seekers Went On Hunger Strike, *In These Times* (Oct. 7, 2020), <https://perma.cc/R9Y9M-SCLJ>.

<sup>31</sup> *How Can You Throw Us Back*, *supra*; Letter to Patricia Nation, Officer, Office for Civil Rights & Civil Liberties, Dep’t of Homeland Sec., *Re: U.S. Immigration and Customs Enforcement (ICE)’s Pattern of Torture in Signing of Deportation Documents for Cameroonian Migrants* (Nov. 5, 2020).

<sup>32</sup> John Washington & José Olivares, *A leaked video exemplifies what Black migrants endure in US detention centers*, *Bus. Insider* (Mar. 26, 2022), <https://perma.cc/Z9RB-TNRP>.

<sup>33</sup> *Inside the Black Hole*, *supra* note 1, at 60

<sup>34</sup> See generally Bobbi-Jeanne Misick, Formerly Detained Immigrants Claim ‘Abusive, Inhumane, Criminal and Racially Discriminatory Practices’ at Two Louisiana ICE Detention Centers, *WWNO* (Aug. 6, 2021),

<sup>35</sup> Maddie Khaw, *ICE has been lying about its racial data collection and whitewashing immigration data, advocacy organizations find*, *Prism* (Oct. 31, 2024), <https://perma.cc/35XJ-P4Z9>.

<sup>36</sup> *Id.*

to address mounting evidence that ICE intentionally manipulates or omits racial identifiers to evade scrutiny.<sup>37</sup>

This erasure is further evident in ICE’s use-of-force (“UOF”) incident reports. Since 2016, CLIPC has truncated its UOF reports from the prior 20–40 pages to just five pages.<sup>38</sup> In 2020, the facility further reduced the length and began omitting medical evaluations entirely, in violation of the Performance-Based National Detention Standards (“PBNDS”).<sup>39</sup> This recordkeeping practice actively suppresses documentation of abuse and prevents detainees from seeking medical redress or legal remedies.

As the National Immigrant Justice Center (“NIJC”) confirms, ICE and CBP “do not publish data on the racial identity of the people they detain,” despite evidence that the “vast majority of people in immigration detention are Black, Brown or Indigenous.”<sup>40</sup> This lack of transparency compounds racial harm by concealing patterns of disparate treatment and allowing abuse to continue unchecked. Without public data disaggregated by race and ethnicity, the abuses suffered by Black noncitizens in NOLA ICE jails remain systemically erased.

### **C. Medical Abuse and Life-threatening Medical Neglect**

Medical neglect within NOLA ICE jails presents a pattern of racialized abuse that endangers Black noncitizens. Despite ICE’s legal obligations to provide adequate medical care, detained people consistently report delayed, denied or negligent treatment for acute medical conditions—failures that have proven deadly.<sup>41</sup>

Cheikh, a young Senegalese asylum seeker, suffered a broken jaw while playing soccer at Winn in January 2024.<sup>42</sup> After collapsing in pain and bleeding, guards delayed calling medical personnel for 15 minutes. When staff arrived, they had no first aid supplies, misdiagnosed him with a “joint injury,” and returned him to his housing unit with only ice and painkillers. Over the next 18 hours, Cheikh was unable to speak, eat or drink and began vomiting blood—fellow detainees pleaded for help, some called their families to send ambulances. At 3:00 a.m., Cheikh lost consciousness. Yet it was not until five hours later that officers dragged his limp body, mocking him as they attempted to place him in a broken wheelchair, taunting Cheikh who lay unconscious in the wheelchair, saying: “He smells bad!” and “That’s what you get for running like an animal!” Cheikh underwent

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<sup>37</sup> *Id.*

<sup>38</sup> CLIPC is operated by the GEO Group. *See* Funk, *supra* note 11.

<sup>39</sup> U.S. Immigr. and Customs Enf’t, 2011 Operations Manual ICE Performance-Based National Detention Standards 207–09 (considering that PBNDS 2011 is substandard compared to international requirements, systemic violations of even these insufficient standards is alarming and unacceptable), <https://perma.cc/SRP4-EAHK>.

<sup>40</sup> *No Human Being Should Be Held There*, *supra* note 14, at 19.

<sup>41</sup> *Inside the Black Hole*, *supra* note 1, at 67–83.

<sup>42</sup> *Id.* at 73.



emergency reconstructive surgery for a fractured jaw; but after his procedure, he was denied the prescribed liquid diet and forced to eat water-soaked bread for five weeks.<sup>43</sup>

Ousmane Ba, another Senegalese asylum seeker, died in February 2024 following months of medical neglect.<sup>44</sup> ICE records confirm that shortly after his transfer to Winn, in November 2023, Ba began suffering from vomiting, chest pain, and bleeding from his nose and mouth. Although he was seen over a dozen times by facility staff and local providers, including a hospitalization, his symptoms worsened. He was “bleeding profusely,” coughing up “red blood with clots,” and had dangerously low oxygen levels and blood pressure. ICE kept him in custody for nearly a month as Ba languished in critical condition, where he died from not receiving appropriate care.

These deaths are not isolated incidents. Since 2017, at least three individuals—from The Bahamas, Marshall Islands, and Jamaica—have died under NOLA ICE custody.<sup>45</sup> Advocates and physicians consistently raise concerns about denials of medical care, delays in emergency treatment, unqualified medical staff, lack of consent procedures, and ICE’s refusal to release critically ill detainees.<sup>46</sup> Medical experts estimated that 95% of the deaths in ICE Jails nationwide between 2017 and 2021 were preventable if basic medical standards had been met.<sup>47</sup> These lethal patterns are structural consequences of a detention system incentivized to cut costs, disregard health, and treat Black bodies as disposable.

#### **D. Solitary Confinement and Retaliatory Punishment**

Notwithstanding international law which recognizes prolonged isolation as a form of torture, Louisiana is considered the “solitary confinement capital of the world.”<sup>48</sup> The UN Special Rapporteur on Torture and other international and regional human rights bodies have called for an “absolute prohibition” on solitary confinement exceeding 15 days or when used for the purpose of punishment.<sup>49</sup> Yet under the jurisdiction of NOLA ICE, Black migrants face extended periods of isolation, often as retaliation for peaceful protest or requests for medical care.

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<sup>43</sup> *Id.* at 74.

<sup>44</sup> Danielle Silva, *An asylum-seeker who died in ICE custody was sick for months. Advocates fear other ill people are not getting proper care.*, NBC News (May 10, 2024),

<sup>45</sup> *Inside the Black Hole*, *supra* note 1, at 80.

<sup>46</sup> See generally Physicians for Human Rights, “Endless Nightmare”: Torture and Inhuman Treatment in Solitary Confinement in U.S. Immigration Detention (Feb. 6, 2024), <https://perma.cc/A5HD-52JF>.

<sup>47</sup> ACLU et al., *Deadly Failures: Preventable Deaths in U.S. Immigrant Detention* at 7–8, (June 21, 2024), <https://perma.cc/GPW9-XQ97>.

<sup>48</sup> G.A. Res. 70/175: United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Rules 43–44, U.N. Doc. A/RES/70/175, (Jan. 8, 2016), <https://undocs.org/A/RES/70/175>; Solitary Watch, et al., *Louisiana on Lockdown: A Report on the Use of Solitary Confinement in Louisiana State Prisons, With Testimony from the People Who Live It* at 26 (June 2019), <https://perma.cc/Z3BL-P9KS>.

<sup>49</sup> See Nelson Mandela Rules (defining prolonged solitary confinement at Rule 44 as confinement for 22 hours or more a day without meaningful human contact for a period exceeding 15 days and prohibiting torture or cruel,

National research indicates that African and Caribbean migrants are more than six times as likely to be held in solitary confinement as other detained populations.<sup>50</sup> This racialized disparity is apparent in Louisiana. In 2020, at Pine Prairie ICE Processing Center (“Pine Prairie”), 45 Black asylum seekers launched peaceful hunger strikes to protest indefinite detention, unsanitary living conditions, and racial abuse.<sup>51</sup> In response, ICE deployed less-lethal weapons including rubber bullets and pepper spray as well as beatings and mass placements in solitary confinement.<sup>52</sup> One Ugandan man endured such severe psychological trauma from isolation that medical staff believed he suffered a stroke.<sup>53</sup>

Escalating its retaliatory response, ICE forcibly placed asylum seekers in “The Wrap”, a full-body restraint device designed only for short-term deescalation.<sup>54</sup> Despite manufacturer guidelines stating that individuals should never be left alone in the device or restrained for extended periods, ICE immobilized detained asylum seekers for hours.<sup>55</sup> They were denied medical care or relief from pain caused by restraint devices. Two pending federal lawsuits comprehensively detail how NOLA ICE subjected African asylum seekers—primarily Cameroonians—to beatings, racial abuse, solitary confinement and forced restraint prior to unlawful deportations.<sup>56</sup> These lawsuits allege serious violations of due process and international protections against torture and cruel, inhuman, or degrading treatment.

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inhuman, or degrading treatment, including prolonged solitary confinement, at Rule 43); *see also* Press Release, United Nations, *Special Rapporteur on Torture Tells Third Committee Use of Prolonged Solitary Confinement on Rise, Calls for Global Ban on Practice* (Oct. 18, 2011), <https://perma.cc/ACU6-Y4WV> (“Solitary confinement, when used for the purpose of punishment, cannot be justified for any reason, precisely because it imposes severe mental pain and suffering beyond any reasonable retribution for criminal behaviour.”); *see also* U.N.G.A., 66th Sess., Interim Report of the Special Rapporteur of the Human Rights Council on Torture and Other Cruel, Inhuman or Degrading Punishment, ¶ 81, U.N. Doc. A/66/268 (Aug. 5, 2011),

<sup>50</sup> Konrad Franco, et al., *Punishing Status and the Punishment Status Quo: Solitary Confinement in U.S. Immigration Prisons, 2013-2017* (April 2020) at 13, <https://osf.io/preprints/socarxiv/zdy7f/>.

<sup>51</sup> *See generally* RFK Human Rights, *We’re Living Injustices I Cannot Even Name* (2021), <https://docs.un.org/en/A/66/268>.

<sup>52</sup> Letter to Joseph V. Cuffari, DHS Inspector General from RFK Human Rights et al., *Re: Call for Immediate Investigation into Immigration and Customs Enforcement Officers’ Use of Punitive Solitary Confinement as a Response to the COVID-19 Pandemic and Other Public Health Crises* (June 21, 2021) at 21, <https://perma.cc/AD8D-2MYV>.

<sup>53</sup> *Id.* at 22.

<sup>54</sup> *See* Letter to Katherine Culliton-González, Officer, Office for Civil Rights and Civil Liberties, Dep’t of Homeland Sec. from Black Alliance for Just Immigration, *Re: Complaint Regarding ICE’s Use of The WRAP as a Restraint Device* at 3–8 (Oct. 13, 2021), <https://perma.cc/XW3C-ADEE>.

<sup>55</sup> *See* Complaint at 23–30, *K.N.N. et al. v. United States of America*, 1:23-cv-02748 (D.D.C. filed Sept. 19, 2023).

<sup>56</sup> *See J.K.A. et al. v. United States of America et al.*, 1:23-cv-02273 (D.D.C. filed Aug. 7, 2023); *See also K.N.N et al. v. United States of America et al.*, 1:23-cv-02748 (D.D.C. filed Sept. 19, 2023).



## E. Language Access Barriers and Legal Isolation

By law, ICE is required to provide meaningful interpretation and translation services to ensure due process and humane treatment for detained individuals.<sup>57</sup> However, NOLA ICE consistently fails to meet this legal obligation, denying Black noncitizens who speak less commonly spoken languages—like Oromo, Garre, Lingala and Amharic—the ability to fight their case.<sup>58</sup> These language barriers violate fundamental due process protection, depriving Black noncitizens of their basic legal rights and dignity.

Thus, language deprivation is another form of structural dehumanization that silences and isolates detained Black noncitizens. Denied the ability to communicate with legal representatives, medical providers, or even ICE staff, they are left to navigate complex proceedings in languages they do not understand.<sup>59</sup> Many suffer in silence. Across NOLA ICE Jails, Black noncitizens have reported being denied interpretation during medical assessments, grievance processes, and court proceedings. The following cases illustrate how linguistic isolation systematically obstructs justice and endangers Black lives:

- Awusi, a gay asylum seeker from Ghana and native Twi speaker, was detained for seven months at Pine Prairie after being torture in Ghana due to his sexual orientation.<sup>60</sup> ICE failed to provide a qualified interpreter, forcing him to rely on fellow detainees with limited Twi knowledge. As a result, Awusi inaccurately completed his asylum application, and those minor factual inconsistencies were later cited by the immigration judge to deny him protection.<sup>61</sup> When he attempted to explain that he could not read or write in English, he was “chastised” in court for the perceived errors.
- Abdii, an Oromo-speaking asylum speaker held at River, had his hearing postponed eight times due to the government’s inability to secure an interpreter.<sup>62</sup> Suffering from insomnia, hallucinations, and severe anxiety, he repeatedly requested mental health care but was told to “just drink water” since ICE “couldn’t find an interpreter.”<sup>63</sup>
- At Winn, migrants from Guinea, Mali and Eritrea reported receiving parole decisions and court documents in English, with no interpretation provided.<sup>64</sup>

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<sup>57</sup> Marc Cardona et al., *Held Incommunicado: The Failed Promise of Language Access in Immigration Detention* at 16–17 (2024), <https://perma.cc/J97U-3Y LX>.

<sup>58</sup> See Zefitret Abera Molla, *Improving Language Access in the U.S. Asylum System*, Ctr. for Am. Progress (May 25, 2023), <https://perma.cc/83VK-DJNV>; See also *Inside the Black Hole*, *supra* note 1, at 30.

<sup>59</sup> See Letter to Joseph V. Cuffari, DHS Inspector General from RFK Human Rights et al., *RE: Systemic Denial of Language Access at the Winn Correctional Center* (Aug. 12, 2024), <https://perma.cc/UCZ4-V2CF>.

<sup>60</sup> *Inside the Black Hole*, *supra* note 1, at 34.

<sup>61</sup> *Id.* at 35.

<sup>62</sup> *Id.* at 28.

<sup>63</sup> *Id.* at 29 (grievance forms were only available in English).

<sup>64</sup> *Id.* at 32.

- A Marshallese man was coerced into signing documents he could not read, only to learn later he had unknowingly “signed away” his rights and was subject to removal.<sup>65</sup>
- In Pine Prairie, a Garre speaker from Somalia spent six months unable to communicate with staff or understand court procedures: “I just kept waiting for a chance to speak with the judge, but I could never speak. I thought about giving up my case just to be released.”<sup>66</sup>
- In Adams County Correctional Center (“Adams County”), a Lingala speaker was transferred to River after failing his credible-fear interview (“CFI”) without interpretation.<sup>67</sup> When ordered to complete his asylum application in English, he was left without translation support in the law library—his case was ultimately denied.
- An Amharic speaker at Richwood shared she had no idea “where the law library is” and that “everything is in English.”

These stories are not anomalies. They expose the widespread denial of language access rights that leaves Black noncitizens without the tools to advocate for their own survival. In Louisiana, linguistic exclusion functions as a mechanism of racialized control, relegating Black people to the margins of an already punitive and opaque detention regime.

## **F. Abuse of LGBTQ+ Black Migrants**

Black LGBTQ+ individuals detained in Louisiana face heightened risk of abuse due to intersecting forms of racial, sexual and gender-based discrimination.<sup>68</sup> In 2022, Black non-binary noncitizens were 3.5 times more likely to experience abuse in ICE Jails.<sup>69</sup> A survey of detained LGBTQ+ individuals found that 29 of 41 participants reported racist, xenophobic, homophobic and transphobic abuse by staff.<sup>70</sup>

In Louisiana, solitary confinement is frequently misused under the guise of protecting LGBTQ+ migrants from harm.<sup>71</sup> In reality, this practice constitutes punitive segregation. ICE’s most recent quarterly report shows a 114% increase in the solitary confinement of transgender individuals.<sup>72</sup> This misuse of solitary confinement is compounded by language access failures and the lack of culturally competent care, ultimately marginalizing LGBTQ+ Black noncitizens and increasing

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<sup>65</sup> *Id.*

<sup>66</sup> *Id.* at 35.

<sup>67</sup> *Id.* at 36.

<sup>68</sup> Ari Shaw & Namrata Verghese, *LGBTQI+ Refugees and Asylum Seekers: A Review of Research and Data Needs*, at 26 (June 2022) (showing that Black lesbians are less likely than white lesbians to obtain asylum often because they do not fit the “white woman” victim archetype and their suffering is downplayed due to stereotypes about their countries of origin), <https://perma.cc/CRH9-DZ8B>.

<sup>69</sup> *Uncovering the Truth*, *supra* note 4, at 14.

<sup>70</sup> *No Human Being Should Be Held There*, *supra* note 14, at 16, 19 (Survey included individuals detained at South Louisiana ICE Processing Center (“SLIPC”), CLIPC, Jackson County, Richwood, Winn, and Adams County).

<sup>71</sup> *Inside the Black Hole*, *supra* note 1, at 57 (One trans woman at CLIPC stated that “solitary is used as the only option for LGBTQ+ folks to get to a safe place when they are threatened”).

<sup>72</sup> Physicians, *supra* note 46.

their risks of irreparable psychological harm. Rather than protecting LGBTQ+ individuals fleeing persecution, Louisiana’s detention system perpetuates the very violence they sought to escape.

#### **IV. Oversight Without Accountability**

Despite mounting evidence of systemic abuse, federal oversight mechanisms have failed to prevent or remedy human rights violations in NOLA ICE jails. The U.S. Department of Homeland Security’s Office for Civil Rights and Civil Liberties (“CRCL”), the agency charged with investigating civil rights violations, has repeatedly flagged dangerous and discriminatory conditions.

In November 2021, CRCL urged ICE to stop sending immigrants to Winn, citing “a culture and conditions that can lead to abuse, mistreatment, and discrimination.”<sup>73</sup> The report documented the presence of pests and mold, inadequate medical care, and insufficient staff training.<sup>74</sup> Even though ICE publicly committed to limiting use of the facility, it continues to detain over 1,400 migrants at Winn.<sup>75</sup> Three years later, prompted by reports of ongoing civil rights violations and lack of reform, CRCL announced a new investigation into Winn in March 2024.<sup>76</sup> Prior to this investigation in December 2021, CRCL had launched an investigation into every NOLA ICE Jail—a move that acknowledged the severity of conditions in Louisiana’s detention system, yet its findings have still not been released.<sup>77</sup>

The United States lacks a national preventive mechanism that independently monitors and investigates places of detention. Notably, the U.S. has not ratified the Optional Protocol to the Convention Against Torture.<sup>78</sup> CRCL lacks independence and has no enforcement power.<sup>79</sup> Its recommendations are not legally binding, and there is no formal process to require ICE to disclose decisions or implement changes. President Trump’s recent decision to reduce funding and staffing for CRCL has made it even more difficult for the office to operate.<sup>80</sup> Even when CRCL calls for a facility’s closure, ICE can—and does—ignore the guidance.<sup>81</sup> Meanwhile, CRCL reports are kept

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<sup>73</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), <https://tinyurl.com/v88y83my>.

<sup>74</sup> *Id.*

<sup>75</sup> Nat’l. Imm. J. Ctr. Policy Brief, *Beyond Repair: ICE’s Abusive Detention Inspection and Oversight System* at 3 (Nov. 28, 2023) [hereinafter NIJC Policy Brief], <https://perma.cc/LC5L-5Q23>; TRAC Report, *ICE Concentrates Twenty Percent of Detainees in Five Facilities* (Jan. 7, 2025), <https://perma.cc/SQ42-UTLD>.

<sup>76</sup> RFK Human Rights, *Federal Oversight Body Opens New Investigation Into Notoriously Abusive Louisiana ICE Detention Center* (Oct. 31, 2024), <https://perma.cc/9T36-Y6H2>.

<sup>77</sup> *Inside the Black Hole*, *supra* note 10, at 27.

<sup>78</sup> National Preventative Mechanisms, Office of the United Nations High Commissioner for Human Rights, <https://www.ohchr.org/en/treaty-bodies/spt/national-preventive-mechanisms>.

<sup>79</sup> *Id.* at 26–27.

<sup>80</sup> Justin Doubleday, *DHS Plans for Skinny Staffs at Civil Liberties, Oversight Offices*, Federal News Network (May 26, 2025), <https://federalnewsnetwork.com/workforce/2025/05/dhs-plans-for-skinny-staffs-at-civil-liberties-oversight-offices/>.

<sup>81</sup> NIJC Policy Brief, *supra* note 75, at 3–4.

confidential.<sup>82</sup> Advocates must resort to arduous Freedom of Information Act (“FOIA”) litigation to access findings, often years after abuses occur.<sup>83</sup> One such case uncovered over 1,600 pages of CRCL reports describing “barbaric” and “negligent” conditions in ICE facilities, including those in Louisiana.<sup>84</sup>

These documents, withheld from the public, confirm what directly impacted Black communities and legal advocates have long reported: systemic abuse persists in full view of the federal agencies tasked with preventing it. In this context, oversight is largely performative. Without transparency, enforcement power, or institutional will, CRCL’s investigations do little to disrupt the entrenched impunity, cruelty, and racialized neglect that defines immigration detention for Black noncitizens in Louisiana.

## **V. Recommendations**

In light of these systemic abuses, we urge the Expert Mechanism to recommend the following measures:

- End immigration detention and implement community-based alternatives, such as supporting engagement of non-profit organizations to provide legal, social, and case management services and referrals to medical and mental health care.<sup>85</sup>
- End government contracts with private prison companies to operate for-profit immigration detention facilities in the U.S. and ban new contracts.
- Collect and publish disaggregated racial and ethnic data on all individuals in ICE custody, including by region and facility, in compliance with international standards on monitoring racial discrimination.<sup>86</sup>
- Repeal mandatory detention laws that rely on racially discriminatory policing to subject people to mandatory immigration detention.
- Prohibit the use of full-body restraint devices.
- Abolish solitary confinement in immigration detention.
- Ensure medical care for detained people, particularly for people with disabilities and mental health conditions and people who are pregnant, postpartum, and LGBTQ+.
- Ensure access to counsel, communication with family, and transparency as to detained people’s whereabouts in all confinement settings in the prevention of enforced disappearances.

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<sup>82</sup> *Id.*

<sup>83</sup> *Inside the Black Hole*, *supra* note 1, at 27.

<sup>84</sup> Tom Dreisback, *Government’s Own Experts Found ‘Barbaric’ and ‘Negligent’ Conditions in ICE Detention*, NPR.ORG (Aug. 16, 2023), <https://perma.cc/4D4Y-D9M3>.

<sup>85</sup> David Secor et al., *A Better Way: Community-Based Programming as an Alternative to Immigrant Incarceration*, National Immigrant Justice Center 10 (April 22, 2019), <https://perma.cc/G4FV-4EGH>.

<sup>86</sup> CERD General Recommendation No. 34, para. 9,16.

- Ensure all detained individuals have access to interpretation and translation services in their primary language for all legal, medical and grievance-related matters, including interviews.
- Restore and ensure oversight by the Office for Civil Rights and Civil Liberties, Office of the Inspector General, and the Immigration Detention Ombudsman.
- Ensure other accountability and oversight mechanisms and measures to independently investigate and provide effective remedy and protection.
- Ensure unimpeded access to ICE Jails to Members of Congress, civil society organizations, UN human rights experts and foreign consulates as obligated under the Vienna Convention on Consular Relations.