

UNCOVERING THE TRUTH

Violence and Abuse Against Black Migrants in Immigration Detention



**FREEDOM
FOR IMMIGRANTS**

ABOUT THE ORGANIZATIONS

Black LGBTQIA+ Migrant Project (BLMP): BLMP builds and centers the power of Black LGBTQIA+ migrants to ensure the liberation of all Black people through community-building, political education, creating access to direct services, and organizing across borders.

Black Alliance for Just Immigration (BAJI): BAJI's fights for the rights of African American and Black migrants through organizing, legal advocacy, research, policy, and narrative building to improve the conditions of Black communities by advancing racial justice and migrant rights.

UndocuBlack Network: The UndocuBlack Network is a community of currently and formerly undocumented Black migrants fighting to shift narratives, promote wellness, while advocating for policies that allow Black immigrants to not only survive but thrive.

Freedom for Immigrants (FFI): Freedom for Immigrants is devoted to abolishing immigration detention, while ending the isolation of people currently suffering in this profit-driven system. FFI monitors the human rights abuses faced by immigrants detained by ICE through a national hotline and network of volunteer detention visitors, while promoting community-based services that welcome immigrants into the social fabric of the United States.

UNCOVERING THE TRUTH

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The authors are especially grateful to Andrew Quirk and Famyrah Lafortune for their dedicated work analyzing hotline data from Freedom for Immigrants and interpreting the information regarding the experiences Black migrants face in ICE detention.

DEFINITIONS AND ACRONYMS

Definitions

Black-majority countries: Countries with a majority African native or diaspora population, as listed by the World Atlas and the Pew Research Center.

Black migrants: Immigrants from Black-majority countries. This report includes Black immigrants from Jamaica, Haiti, Cape Verde, Cameroon, Guinea, Bahamas, Sierra Leone, Nigeria, Dominican Republic, Kenya, Somalia, Ghana, Burkina Faso, Liberia, Togo, Trinidad and Tobago, Sudan, Democratic Republic of the Congo, and Côte d'Ivoire.

Given the legacy of slavery and colonization, there is also a significant population of Black migrants in Immigration and Customs Enforcement (ICE) detention from non-Black-majority countries, such as Honduras, Colombia, and Brazil. However, since ICE reports data on country of origin and does not distinguish by race, we are currently unable to quantify the true number of Black immigrants detained or accurately investigate the full breadth of their experiences in ICE custody.

BIPOC: Black, Indigenous, and People of Color. This term is used to center the experiences of Black and Indigenous groups and show solidarity between communities of color.

Anti-Black racism: Defined as “behaviors, attitudes, and practices of people and institutions that work to dehumanize Black people in order to uphold white supremacy,”¹ and treatment and behavior that “strips Blackness of value.”²

Prison industrial complex: This term is used to describe the overlapping interests of government and industry that use surveillance, policing, and imprisonment as solutions to economic, social, and political problems.³

Acronyms

AEDPA: Anti-Terrorism and Effective Death Penalty Act

BAJI: Black Alliance for Just Immigration

BIPOC: Black, Indigenous, and people of color

BLMP: Black LGBTQIA+ Migrant Project

CBP: Customs and Border Protection

CERD: The United Nations Committee on the Elimination of Racial Discrimination

CRCL: Office for Civil Rights and Civil Liberties

DHS: Department of Homeland Security

EOIR: Executive Office for Immigration Review

FFI: Freedom for Immigrants

FOIA: Freedom of Information Act

HBA: Haitian Bridge Alliance

ICE: Immigration and Customs Enforcement

IIR-IRA: Illegal Immigration Reform and Immigration Responsibility Act

LGBTQIA: Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual

OIDO: Office of Immigration Detention Ombudsman

OIG: Office of Inspector General

TPS: Temporary Protective Status

TRAC: Transactional Records Access Clearinghouse

EXECUTIVE SUMMARY

Content warning: *This report contains graphic details of abuse, including physical and sexual violence and racial slurs. This content warning is reflective of state violence against Black people, and we invite non-Black people to engage directly with the rawness and realities of these testimonies.*

Studies show that Black immigrants face a significantly harsher reality inside Immigration and Customs Enforcement (ICE) detention facilities, with increased risks of deportation, higher bond amounts, solitary confinement,⁴ physical⁵ and emotional abuse, and more. For years, organizations such as Black Alliance for Just Immigration (BAJI), The UndocuBlack Network, Black LGBTQIA+ Migrant Project (BLMP), and Haitian Bridge Alliance have exposed the abusive and disparate treatment of Black migrants. Meanwhile, courageous detained individuals have organized and resisted against egregious abuse by coordinating mass hunger strikes, circulating petitions with their podmates, and demanding accountability and their release from detention. Each act of resistance and exposure has led to greater public awareness and power building inside detention facilities. However, ICE continues to fail in making any structural changes, and the agency continues to operate with near-total impunity from its acts of violence.

In this study, we reviewed nearly 17,000 calls made to the Freedom for Immigrants National Immigration Detention Hotline over a period of six years (January 1, 2016 - December 31, 2021). The data reveals a compelling and disturbing pattern of racism, violence, and harm perpetrated by ICE specifically against Black migrants in immigration detention. Some of these findings include:

- While the population of Black migrants in ICE detention is six percent,⁶ 28 percent of all abuse-related reports made to the FFI hotline come from Black migrants;
- A new FOIA request corroborates a previous study which found that 24% of all people in solitary confinement are Black;
- In a few facilities in Alabama, Georgia, and Louisiana, Black migrants were almost twice as

In sum, these numbers tell the stories of thousands of Black migrants who are subject to violence at the hands of ICE and its contractors at disproportionately higher incidence than their non-Black counterparts. We must stop treating Black migrants' cries for redress and accountability as isolated incidents, and instead recognize them as being indicative of the systemic harm taking place.

likely to experience abuse inside detention than other non-Black migrants;

➤ Black non-binary migrants were 3.5 times more likely to experience abuse in detention;

➤ Over 53% of the most high-intensity and life-threatening cases that Freedom for Immigrants intervened on were on behalf of Black migrants.



Reform has not worked. The systemic abuses by ICE, which have spanned decades, and the unwillingness and inability of oversight bodies to stop these abuses leave only one real solution: Free all detained people and end detention entirely.

Given that, in the past, Freedom for Immigrants' records mirrored those of ICE's government database and did not record race, the true percentage of hotline calls from Black migrants is likely significantly undercounted. ICE continues to only capture countries of origin, and the Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL) also does not currently distinguish complaints from immigrants in ICE

detention by race. The need for more data showing irrefutable evidence of anti-Black and anti-immigrant sentiments that fuel disproportionate abuse and neglect of Black people detained in immigration detention centers is crucial. With this data, we can begin to break down the culture of misconduct and terror inflicted upon Black migrants by guards, officers, and staff in detention facilities.

Despite federal complaints, lawsuits, hunger strikes, media articles, and reports highlighting the widespread anti-Black racism and abuse by ICE, formal accountability mechanisms like the CRCL, Office of Immigration Detention Ombudsman (OIDO), and the Office of Inspector General (OIG) have proven to be ineffective in addressing these harms. The authors hope this report will spring us into deeper conversations of anti-Blackness in the public, among policy makers, and within the immigrants rights movement. This report clearly demonstrates that the disparate harm against Black migrants in detention is endemic, and that the unchecked structure of the immigration detention system leads to abuse, particularly anti-Blackness, against communities of color, and therefore should be abolished.

PHOTO BY FREEDOM FOR IMMIGRANTS

INTRODUCTION

The undeniable, rampant anti-Blackness at all levels of the United States' immigration and asylum systems has been allowed to fester and further the established mass incarceration of Black bodies through the criminalization of legal status. Last year, we witnessed horrifying images of Haitian migrants chased by Border Patrol officers with whips on horseback as they sought refuge. These images were projected across a variety of media outlets, sparking public outrage on behalf of Black migrants on a scale that had been virtually unseen before. The year prior, Cameroonians in ICE detention throughout Louisiana and Mississippi experienced repeated incidents of torture as they were brutally threatened, choked, beaten, pepper-sprayed, and handcuffed⁷ into signing their own deportation documents.^{8 9} This resulted in mass deportation flights bound for a country in the midst of civil war.¹⁰ This sort of racialized abuse has been taking place behind the locked doors and gates of ICE detention centers across this country with very little oversight or accountability.

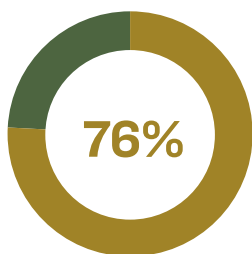
The U.S. has the largest immigration detention system in the world, detaining thousands of immigrants in detention facilities and contracted county jails across the country. This imprisonment of immigrants stems from a long legacy of violence, control, and abuse toward Black people and People of Color, which has separated them from their families and homelands for generations.

In recent decades, the U.S. immigration detention system has become an extension of the dominant mechanisms of structural violence employed by the U.S. government to continue its abominable agenda of diminishing the power and autonomy of BIPOC people and communities and exploiting

There has been a growing body of evidence involving violence and abuse against Black migrants that have become part of a well-documented pattern of anti-Black racism by ICE officials and their contractors.

them for profit. Like all Black people in the United States, Black migrants are stopped, searched, arrested, and are over-represented from sentencing to prison at higher rates than non-Black migrants. 76 percent of Black migrants are deported because of contact with the police and the criminal legal system.¹¹ Black migrants are disproportionately represented among detained immigrants facing deportation in immigration court on criminal grounds, and more than one out of every five people detained while facing deportation on criminal grounds before the Executive Office for Immigration Review (EOIR) are Black.¹²

The gross and egregious treatment of Black migrants is the byproduct of centuries of racial inequity, racial terror, and anti-Black racism that is endemic to the United States. In the past, the U.S. government intentionally incarcerated Black people for power and profit through the 13th Amendment. At present, the U.S. has institutionalized the mistreatment of Black people through over-policing of Black communities, mass incarceration of Black people in its corrupt prison facilities, and the expansion of incarceration of Black migrants in inhumane detention centers. In the past few years, there has been a growing body of evidence involving violence and abuse against Black migrants that have become part of a well-documented pattern of anti-Black racism by ICE officials and their contractors including:



76% of Black migrants are deported because of contact with the police and the criminal legal system.



- Reports submitted by Black-led organizations like BAJI, Haitian Bridge Alliance, and others that provide selected research and analysis of racially discriminatory treatment of Black migrants;^{13 14}
- Multi-individual and individual civil rights complaints submitted by Black detained migrants, Black-led organizations including The UndocuBlack Network, Haitian Bridge Alliance, Black LGBTQIA+ Migrant Project, and advocacy organizations such as FFI that expose anti-Black abuse and disparate treatment;^{15 16 17 18 19 20 21}
- Memos to DHS officials outlining systemic and consistent patterns of racism and anti-Black abuse toward Black migrants;²²
- Public exposure and internal organizing of Cameroonian individuals who were disproportionately denied release, harmed medically, and tortured into signing their own deportation documents.^{23 24 25}

Concerningly, data on the total number of Black people in ICE detention is virtually nonexistent. ICE does not gather racial demographic data and neither do their oversight bodies when docu-

menting allegations of abuse, making the abuses toward Black migrants invisibilized and harder to “prove.” The most recent population data by country of origin, from July 2019, showed that migrants from Black-majority countries made up around six percent of the total population detained by ICE.²⁶ This data was obtained by the Transactional Records Access Clearinghouse (TRAC) which provides comprehensive, independent, and nonpartisan information about immigration enforcement. After many years of providing the public with vital up-to-date information, the government is now preventing this from taking place. In 2017, when the Trump Administration entered office, ICE stopped sharing public information with TRAC. As a result, TRAC filed two lawsuits under the Freedom of Information Act (FOIA) against ICE for unlawfully withholding records on enforcement and deportations.^{27 28} ICE must reinstate this critical data sharing with the public, while going a step further by capturing not only country of origin, but also race and ethnicity of migrants detained. Only once this takes place can the true scope of the problem—and the solutions needed—be fully understood.

This report intends to make this truth visible and known to the public, lawmakers, journalists, and, equally importantly, the many advocates, organizers, lawyers, and activists who fight for the liberation of people in detention daily. We hope this report can affirm, acknowledge, and uplift the experiences of Black people and People of Color detained by ICE whose stories are often invalidated, ignored, and erased. We cannot end detention unless we understand the most pernicious aspects of this inhumane and brutal system, and that includes anti-Black racism. Ultimately, the authors hope that this report will lead to changes in practice and policy, while springing us into deeper conversations of anti-Blackness in the immigrants rights movement and among the greater public. This report further documents that the structure of the immigration detention system unmistakably leads to the abuse of communities of color, particularly anti-Black abuse, and therefore should be abolished.

METHODOLOGY AND FINDINGS: DISPARATE TREATMENT OF BLACK MIGRANTS IN DETENTION

Freedom for Immigrants National Hotline Data

This in-depth analysis provides concrete evidence to support findings of the egregious pattern of anti-Black racism present throughout the ICE detention system.

To shape our inquiry, we designed a variety of research questions to investigate anti-Black racism in ICE detention, including:

- *Are Black immigrants in ICE detention facilities experiencing abuse at a higher rate than non-Black immigrants?*
- *Are Black female immigrants in ICE detention facilities experiencing abuse at a higher rate than non-Black immigrants?*
- *Are Black non-binary immigrants experiencing abuse at a higher rate than non-Black immigrants?*
- *Are Black immigrants experiencing higher rates of abuse in certain facilities?*

To answer these research questions, we queried all answered hotline calls received to the Freedom for Immigrants' National Immigration Detention Hotline from 2016 to 2021. The dataset used for this analysis cannot be shared publicly because it contains identifiable information that would infringe upon the privacy and safety of people detained.

We identified the country of origin, location of detention, and form of abuse reported. We did our analysis using software in Python and primarily used pandas (a Python Data Analysis library) for all calculations. In doing so, we also used open-source libraries to support the analysis,

including Natural Language Toolkit (NLTK) for Natural Language Processing. All of the code is open-source and available via GitHub.²⁹

We parameterized our database to only include hotline calls from immigrants coming from Black-majority countries that were most represented in our dataset [see 'Definitions,' page 1]. We then filtered and categorized key phrases that signaled different forms of abuse being reported from Black immigrants. The abuses that were explicitly reported to the hotline were included in the statistics shown in the Results section of the report.

To answer questions like: "Are Black people detained experiencing abuse at a higher rate than people detained from other countries?" we used the ratios (1) and (2) in **Figure 1**.

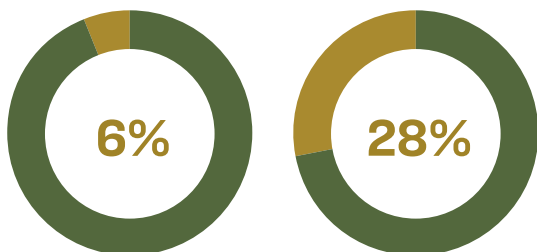
This same ratio was used for each of the research questions.

As part of the analysis, we also did some parsing and used natural language processing tools to determine if there were more flags of likely abuse present in the language of the notes from the hotline. For example, to determine the incidence of medical mistreatment, we filtered phrases in the abuse text of our database, such as "Medical Neglect." To determine the incidence of physical abuse, we filtered words such as "Assault," and "Chokehold." To investigate racist verbal abuse, we filtered words such as "Monkey" and "N word." We also filtered indicating words to analyze the incidence of religious discrimination, sexual abuse, psychological abuse, and language discrimination experienced by Black immigrants. After filtering these key phrases, we performed thematic analysis to identify patterns of abuse reported.

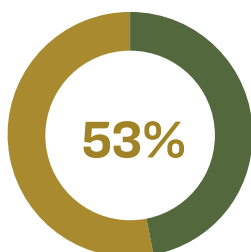
FIGURE 1

$$(1) \text{ How likely is any detained person's record to include abuse?} = \frac{\text{Number of Records Indicating Abuse}}{\text{Total Number of Records}}$$

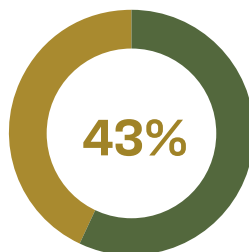
$$(2) \text{ How likely is a Black detained person's record to include abuse?} = \frac{\text{Number of Records of Black Detained Persons Indicating Abuse}}{\text{Total Number of Records of Black Detained Persons}}$$



While Black migrants account for only 6% of people in ICE detention, 28% of all abuse-related reports made to the FFI hotline came from Black migrants, which indicates that Black people detained are disproportionately abused.



Between July 30, 2020 and August 1, 2022, 53% of the most high-intensity and life-threatening cases Freedom for Immigrants submitted complaints for were on behalf of Black migrants.



43% of Black non-binary immigrants who called the FFI hotline reported abuse.

Violence against Black people at sites of incarceration across this country is not new, and our results further confirmed this. We found overwhelmingly that Black migrants experience more abuse than non-Black migrants inside ICE detention facilities. **There were a total of 2,200 abuse related reports, 611 of them were placed by Black migrants.** While Black migrants account for only six percent of people in ICE detention, 28 percent of all abuse-related reports made to the FFI hotline came from Black migrants, which indicates that Black people detained are disproportionately

abused. **Moreover, 43 percent of Black non-binary immigrants who called the FFI hotline reported abuse, making Black non-binary migrants 3.5 times more likely to experience abuse in ICE detention facilities. There are no systems of accountability in the local ecosystems of the majority of immigrant detention centers, leaving Black migrants in a constant state of distress and allowing responsible parties to commit abuses with impunity.**

High-Intensity Advocacy Complaints

FFI's national hotline currently answers on average 250 calls per week.³⁰ Twice a week, FFI staff review every single call received and select the most high-intensity cases for intervention where individuals have reported life-threatening medical neglect, use of force, sexual assault, use of pepper spray, or other life-altering abuse. If an individual would like to file a federal complaint and publicly speak out against the abuse, FFI places them with the organization's Direct Advocacy Team, which works in collaboration with attorneys, local advocates, partner organizations such as BAJI, BLMP, and UBN, and the person inside to write a federal complaint. Between July 30, 2020 and August 1, 2022, 53 percent of the most high-intensity and life-threatening cases Freedom for Immigrants submitted complaints for were on behalf of Black migrants. This is not representative of every high-intensity abuse case reported to FFI because some people who are facing life-threatening medical neglect, sexual assault, or violence choose not to move forward with a public-facing complaint due to fear of retaliation. These complaints are not included in this statistic. Despite the fact that over half of the most egregious cases of abuse documented in complaints were filed on behalf of Black migrants, this finding still does not fully capture the intense and pervasive abuse against Black migrants in detention.

Freedom of Information Act (FOIA) and Government Records

The Black Alliance for Just Immigration (BAJI) filed a lawsuit under the Freedom of Information Act (FOIA) in November 2021 to expose the mistreatment of Black immigrants and found further proof that Black immigrants are disproportionately subject to solitary confinement.³¹ **Additionally,**

3.5x

Black non-binary migrants are 3.5 times more likely to experience abuse in ICE detention facilities

the FOIA request that BAJI filed confirms a study that found that detained individuals from predominantly Black countries made up less than six percent of people in ICE custody but comprised more than 24 percent of all people in solitary confinement. BAJI has continued to file FOIA requests to gather information and data regarding the government's practices, and has published this information in reports to dis-

seminate to the general public. To be clear, the goal of these FOIA requests and the ensuing reports is to hold the U.S. government accountable and to bring an end to the cruel and inhumane practices that Black migrants have routinely experienced. These findings are not surprising and confirm that being Black increases the likelihood of an individual experiencing abuse in ICE detention.



PHOTO BY ALI ABDUL RAHMAN ON UNSPLASH

IMPORTANCE OF DATA COLLECTION ON RACE AND ETHNICITY

The collection of data on race and ethnicity is crucial in holding the government accountable for egregious harms such as these perpetuated against individuals based on their race and ethnicity, as well as for ensuring the equitable distribution of governmental resources and benefits. The collection of data also helps articulate social inequalities like: income gaps, underemployment, residential segregation, low political representation, and more.³²

Currently, many U.S. government agencies collect data on race and ethnicity; however, DHS rarely collects data on race, ethnicity, and skin color. DHS is, in practice, a law enforcement agency, yet it does not provide any public information about its data collection practices regarding race, a practice that is standard among governmental agencies and law enforcement. And, when it comes to DHS and the agencies it oversees, including ICE, it is clear that the Department is not collecting data on race in the majority of instances in which the agency and its officers interact with the public. DHS only consistently documents an individual's nationality, or country of origin. Although it is important to collect nationality data, it does not effectively illustrate how race or ethnicity influence the treatment migrants receive within the U.S. immigration system. Since no country has a singular racial or ethnic group, nationality cannot be used in its stead. For example, in the Dominican Republic, the fourth most common country of origin for immigrants in the United States, 70.4 percent of the population identifies as mixed-race.³³

Because DHS fails to collect the necessary race and ethnicity data needed for researchers and advocates to fully comprehend the role of race and ethnicity in the immigration system, DHS is able to obscure the anti-Black violence and abuse perpetrated against immigrants, including in ICE detention. The agency continues to fail in tracking and ending the disparate treatment within the immigration system, forcing advocacy organizations to resort to estimating race and ethnicity based on nationality data. Collecting data on racial profiling can confirm

Because DHS fails to collect the necessary race and ethnicity data needed for researchers and advocates to fully comprehend the role of race and ethnicity in the immigration system, DHS is able to obscure the anti-Black violence and abuse perpetrated against immigrants, including in ICE detention.

“the interconnectedness of the criminal justice system—which perennially struggles with racially biased enforcement—and the immigration system.”³⁴ It is even more important to collect race and ethnicity data in the immigration context so that biases inherent in the criminal justice system do not bleed into the immigration system and similarly “disproportionately affect Black and people of color.”³⁵

The collection of race and ethnicity data would inform DHS and the public about the experiences of the affected communities and lead policymakers to implement appropriately informed policies that avoid disparate results. Indeed, “[w]ithout such data, policymakers cannot determine whether disparities or discrimination exist, fully understand the scope of the problem, or identify which communities are in need of protection.”³⁶

In its absence, we must rely on abuse reports made to advocates, media, and oversight agencies, shadow investigations conducted by human rights agencies, and reports such as these, which are based upon data obtained through people's direct testimonies of disparate treatment and harm.

TESTIMONIES

Content warning: This section contains details of abuse including physical and sexual violence and racial slurs. This content warning is reflective of state violence against Black people and we invite non-Black people to engage directly with the rawness and realities of these testimonies.

“For me, ICE abuses and mistreatments started right when they took me into custody. The ICE officer who came to pick me up started making fun of me and saying in broken French, ‘Ha ha ha, I got you, you are coming with me tonight.’ He put handcuffs on me, put me in his car, and held his pepper spray in his hand while driving. Later on, in my presence, he told his coworker that he just wanted me to do anything suspicious so that he could pepper spray me and shoot me. At the processing center, one ICE officer started saying, ‘That’s him? Oh we got him, he is a criminal, we have been watching him, oh he applied for asylum, another who wants to fight his case, anyway he is a criminal, and we are going to deport him.’

After 26 months in ICE custody, one morning I was punished and put in solitary confinement for requesting medical assistance. I went on a two-week hunger strike, and one morning, I didn’t know I was being deported but I was just told to pack my stuff. I asked, ‘Where am I going? I have a right to know where I’m going.’ Because I asked where they were sending me, Caroline Detention Facility’s staff members and ICE agents called an extraction team to come get me. That team was told by other ICE agents that I was resisting even though I did not resist. I never resisted. In the car during transportation the extraction team was acting up and laughing saying, ‘Oh! Didn’t they say he’s a tough dude?’ I did not resist, and I was just asking where I was going. I asked for water, and they refused. My rights were truly violated.

I was in Louisiana during my transfer, and I was on hunger strike. I was put in the car by a transportation officer without a seatbelt. I was still chained and handcuffed and couldn’t strap myself in the seatbelt. The officer was playing a racist song and laughing at me hysterically. Shortly after he played

I was told, ‘What do you mean? You guys have no rights! You guys are here to be deported!’

Freedom for Immigrants Monitoring Fellow, Resistant, and Freedom Fighter, Moussa Haba from Guinea

the racist song, the ICE agent was playing a comedian that was saying, ‘That’s why Trump has to kick these monkeys out of the country.’ The ICE agent was driving recklessly, and I feared for my safety and my life. Because of the reckless driving, my head and body were banging all around the car, sporadically. I had injuries on my head because of this incident.

When I was detained in Florence, Arizona, I was trying to wash my clothes and go to the library. When I was there, I was told by an ICE agent, ‘You have no rights.’ I couldn’t wash my dirty clothes or go to the library. When I asked if I could wash my clothes, I was told, ‘What do you mean? You guys have no rights! You guys are here to be deported.’”

— Freedom for Immigrants Monitoring Fellow, Resistant, and Freedom Fighter, Moussa Haba from Guinea

“Officers shouted at us to ‘lock-in.’ As I was walking back to my cell, they grabbed my hand and handcuffed me. Then I asked the officers what they were doing, and the officers immediately began punching me in the back of the head. I tried to get away from the people punching me, and they tackled me to the ground. The people restraining me put their knees on my back and my neck. I tried to relax and let them handcuff me so that they would let me breathe, while at the same time trying to ask them to let me breathe, and also conserve air. Other detained people attempted to verbally protect me but they were physically abused as well; one man was maced so badly it lingered on him five days later, even after showering, and another man was twisted and dragged down the stairs for having asked the officers to release my neck so that I could breathe.”

— **Person detained from Haiti**

“I was folding laundry and an officer told me, ‘The way you were shaking those socks was similar to the way you and your family got whipped back in the day.’ I was really offended. I wouldn’t wish this treatment on my worst enemy.”

— **Person detained from Trinidad and Tobago**

“I received doctored versions of my booking photograph, which only correctional officers should have access to, with racist, transphobic, and homophobic content overlaid on the images. One of these images showed a gun pointed to my head, and another doctored version had ‘KKK’ written on it. One doctored image had ‘man bitch’ scrawled on it, another listed ‘nicknames’ as ‘transvestite, transsexual, the clown, the gay.’ Another note read, ‘I’m not gay/My ass is,’ and another note sent alongside these doctored photos read, ‘Only 80s and 90s babies remember this thirsty ass, horny ass skunk.’”

— **Person detained from Haiti**

“ICE Officer [name] is openly racist and has said comments like, ‘Fuck no because you are African. I hate you, you’re just here to steal money and live lavishly. If it were up to me, you wouldn’t see a judge, I’d just send you back to Africa.’ Officer [name] told me that if there is any flight to Africa, he is going to get me out of here, or if not, he’ll keep me here until I die and then give my dead body back to my family.”

— **Person detained from Sierra Leone**

“I was body slammed, my arms and legs were pulled apart by 30 guards, and they choked me. Another officer came over to the witnesses and asked them to not report the incident.”

— **Person detained from Jamaica**

“The ICE officers held me down, pulled my arms back so that I could not push back against them, held down my ankles and squeezed and stepped on my neck, and I had trouble breathing... I had bruises along my body, specifically my neck, forehead, wrists, and ankles from the assault.”

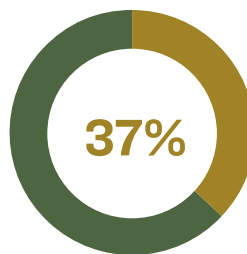
— **Person detained from Cameroon**

INTERNAL RESISTANCE AND SUSTAINED LEGACIES OF SLAVERY AND EXPLOITATION IN THE SOUTH

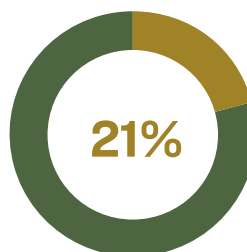
Sustained Legacies of Slavery and Exploitation in the South

Prisons and jails were not constructed organically; rather, they were constructed to suppress and restrict the power and freedom of Black communities. After slavery was abolished, more and more systems and infrastructure were built to ensure that Black people could not thrive and live freely. One example of this is the 13th Amendment which officially “ended” slavery in 1865, but carved out an exception in Southern states, allowing incarcerated people to be exploited for free and forced labor. After slavery was ended, many Black people, particularly in the South, were convicted and jailed for violating Jim Crow laws that criminalized Blackness. Black men, women, and even children were then “leased” by prison companies to work in plantations or mines for no pay, and often experienced abuse at the hands of political leaders and plantation owners. The immigration detention system, run by the same private prison companies, has become a multi-billion dollar industry partly because people detained by ICE are paid around one dollar per day to perform the majority of essential functions such as cooking, cleaning, and laundry. Some states have filed lawsuits against the private prison companies for both human trafficking due to forced labor and for not paying its workers the minimum wage.^{37 38} These legacies of exploitation and abuse in the South have been employed all across the country, making the entire United States complicit in the continued exploitation and suffering of Black and brown immigrants.

The legacies of violence and trauma that occurred in plantations and convict leasing prisons



37% of Black migrants experienced abuse in Bergen County Jail in New Jersey.



21% of Black migrants experienced abuse in Otay Mesa Detention Center in California.

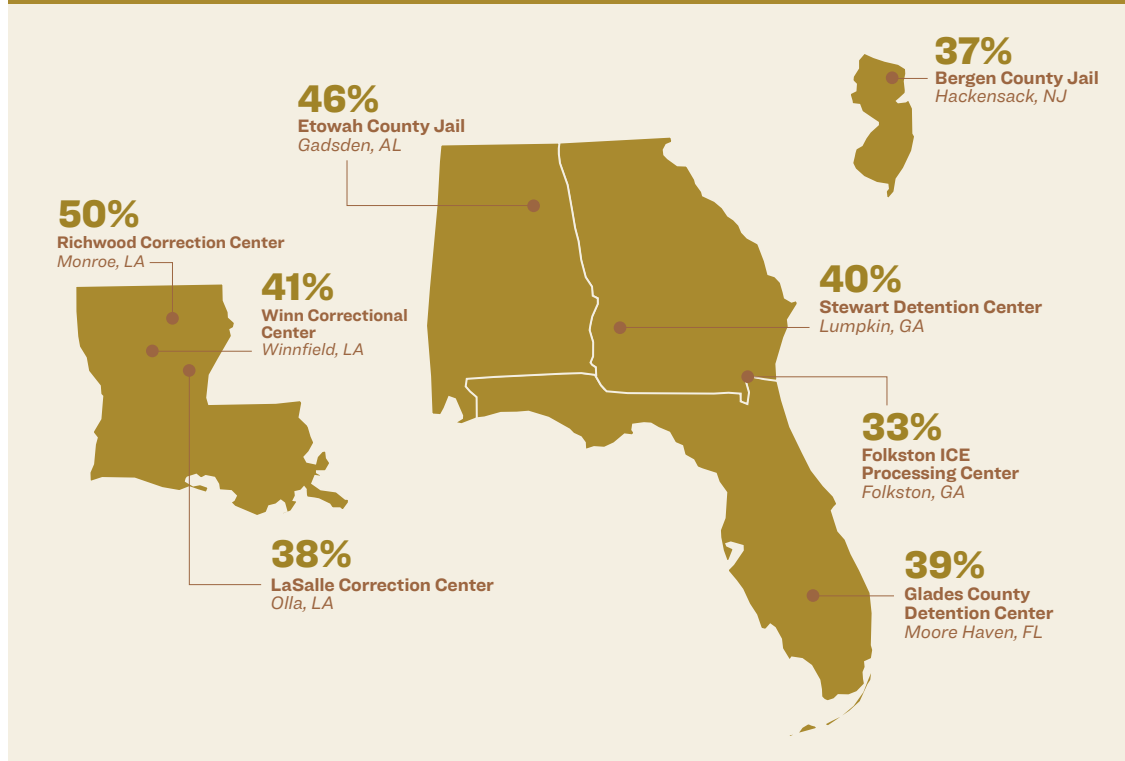
now continues inside immigration detention centers. Based on the abuse reports to FFI’s National Immigration Detention Hotline, we found that in a few detention facilities in the South, including Etowah County Jail in Alabama, Stewart Detention Center in Georgia, and Richwood Correctional Center in Louisiana, Black migrants were almost twice as likely as non-Black migrants to experience abuse inside detention.

However, explicit anti-Black racism, harm, and abuse was documented in detention facilities throughout the entire country, even in more liberal states. For example, 37 percent of Black migrants experienced abuse in Bergen County Jail in New Jersey, and 21 percent of Black migrants experienced abuse in Otay Mesa Detention Center in California.

2x

Black migrants were almost twice as likely as non-Black migrants to experience abuse in a few detention facilities in the South

Rate of Abuses for Black Migrants



While the South has a long and sordid history of enslaving, criminalizing, and oppressing Black people, anti-Black racism and white supremacy is not solely a problem of the South, but is rather part and parcel of immigration detention across the entire United States and all immigration detention centers.

Resistance

While there is so much exploitation, abuse, and violence toward Black and brown bodies in the South, there is also a powerful and important legacy of Black and Indigenous-led movements and resistance in the South that fought for liberation against enslavers, colonial societies, and white supremacy. A few examples of this ongoing legacy of powerful resistance and organizing inside immigration detention include:

Krome North Service Processing Center: On October 6, 2021, nine Black migrants in ICE custody filed a civil rights complaint³⁹ with the Biden

administration, speaking out against a disturbing pattern of anti-Black racism and abuse at the Krome North Service Processing Center, an ICE detention center in Miami, Florida. Advocates with The UndocuBlack Network, Haitian Bridge Alliance, National Immigration Project of the National Lawyers Guild, and Freedom for Immigrants submitted the complaint with the Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL).

T. Don Hutto Detention Center: On February 24, 2020, about 80 Cameroonian women staged a sit-in inside the T. Don Hutto Detention Center in Taylor, Texas. The women were protesting serious medical neglect, including the refusal to provide critical surgeries or medical treatment, and their indefinite confinement as they waited on their asylum cases. In response to the protest, ICE suspended visitation, turning away attorneys and community visitors, and blocked access to legal representation



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and community members who could help bring attention to the medical abuses happening inside.

Glades County Detention Center: Individuals detained in Glades County Detention Center in Moore Haven, Florida, organized and resisted for years, engaging in mass hunger strikes and filing numerous complaints at the detention center. These complaints cited pervasive and fatal medical neglect, unlawful use of toxic chemicals, racialized violence, inhumane treatment, physical

abuse, sexual misconduct, and repeated attacks on the dignity and safety of individuals at Glades. DHS announced it would be “pausing”⁴⁰ its use of the jail as an immigration detention center, and there is currently no one detained by ICE in the facility. However, even though there is irrefutable evidence of abuse against Black migrants and others, DHS still has yet to officially cut the contract.

Stewart Detention Center: On August 30, 2021, various organizations including BAJI, El Refugio, and the Southern Poverty Law Center filed a CRCL complaint⁴¹ on behalf of medically vulnerable individuals who were being denied release at Stewart Detention Center. The individuals involved in the complaint were disproportionately Black. Systematic deficits in medical care were further exacerbated by the COVID-19 pandemic and had a disproportionate impact on Black migrants. This complaint also highlighted the overrepresentation of Black people facing deportation in immigration court based on criminal grounds. It also mirrors the disproportionate impact of COVID-19 on Black immigrant communities across the United States.



Folkston ICE Processing Center: On April 16, 2022, there was a peaceful rally taking place outside the detention facility, and a group of 15 Black men detained at Folkston were beaten, handcuffed, and verbally insulted. The Shut Down Folkston ICE Processing Center Coalition circulated a petition⁴² elevating the narratives of the men who were abused and demanded the closure of Folkston.

Lack of Oversight and Accountability

Despite federal complaints, lawsuits, hunger strikes, media articles, and reports highlighting the rampant anti-Black racism perpetrated by ICE, formal accountability mechanisms such as the Office for Civil Rights and Civil Liberties (CRCL), Office of Immigration Detention Ombudsman (OIDO), and the Office of Inspector General (OIG) have proven to be ineffective in addressing this harm. A report by the United Nations Committee on the

Elimination of Racial Discrimination, (CERD), BAJI, Haitian Bridge Alliance (HBA), and others documented the anti-Black discrimination and lack of accountability by DHS. The CERD report found that after Haitian migrants were brutalized along the border in Del Rio, CBP waited a total of ten months to release the findings of the investigation which included interviews from journalists and law enforcement; not a single Haitian migrant was interviewed despite their testimony being offered.⁴³ Ineffective and biased investigations such as the one cited in the CERD report, has contributed to the clear pattern of racialized brutalization against Black migrants, including those in ICE custody, that DHS leadership and oversight bodies have effectively condoned.

PHOTO BY FREEDOM FOR IMMIGRANTS

POLICY RECOMMENDATIONS

The Only True Solution

The systemic abuses perpetrated by ICE and the inability and unwillingness of oversight bodies to stop them are a consequence of a system that is profit-driven, designed to “deter,” and punish. Given the degree to which the incarceration of individuals curtails their autonomy, detention is intrinsically detrimental to the mental, physical, and spiritual well-being of people. This, combined with racism and a culture of white supremacy, inevitably leads to the persistent abuse of detained individuals. Instead of improving the safety of our communities, this system decreases it. As caretakers, breadwinners, and members of our communities disappear into immigration detention,⁴⁴ communities of color are affected when families face eviction or lose the emotional, physical, and economic support that a loved one provides. A system that truly leads to community safety must focus on supporting these individuals in thriving in their communities. As such, the only true solution to alleviate the pain, abuse, and torture that Black migrants face in immigration detention is to build a world without detention in which all immigrants are free.

Administrative Strategies

- The White House should immediately publicly recognize and condemn the rampant abuse of migrants, in particular Black migrants, who have been harmed in immigration detention facilities across the country.
- Immigration detention is discretionary. The administration must utilize prosecutorial discretion to release all eligible individuals.
- ICE must collect ethnic and racial data to keep track of the number of Black, Indigenous, and other marginalized immigrant communities held in its custody.
- The government must thoroughly investigate human rights and other abuses by ICE against individuals in detention, and ensure repercussions for the agency and individual actors to the fullest extent of the law.

As such, the only true solution to alleviate the pain, abuse, and torture that Black migrants face in immigration detention is to build a world without detention in which all immigrants are free.

- The government must thoroughly investigate ICE’s failures to meet its own standards, and ensure repercussions for the inability to end the egregious harm and inability to hold individuals accountable to the fullest extent allowed by the law.
- Being detained is itself a barrier to an individual’s ability to have a better chance at successfully navigating their immigration case in court to remain in the U.S. and gain status. However, attorneys continue to face barriers in accessing detained clients based on decisions taken by ICE field offices. The administration must assess thoroughly the degree to which actions by local ICE offices further restrict access to counsel and address them.
- DHS and the Biden administration must implement a Trans Policy Memo to end the deportation of trans immigrants and people living with HIV. The memo outlines a process that ICE can adopt to avoid detaining or deporting trans immigrants.

Congressional Strategies

- Conduct an oversight hearing on the human rights abuses against Black migrants in private and federal immigration detention facilities.
- A comprehensive approach is to shift the focus of community safety away from mass incarceration and into community-based support. Instead of traumatizing individuals and communities,

non-profit organizations can help individuals address the difficulties of migrating, especially for those seeking asylum. This includes providing legal assistance. Through the appropriations process, Congress must divest funds from immigration detention and enforcement and instead fund programs that provide legal and other humanitarian support to migrants, including asylum seekers and others facing deportation after several years of living in the United States.

- The 1996 immigration laws expanded the grounds for deportation, broadened classes of mandatory detention, eliminated the right to due process, and retroactively punished immigrants who already served their sentences. Congress must repeal the Illegal Immigration Reform and Immigrant Responsibility Act (“IIR-IRA”) and the Anti-Terrorism and Effective Death Penalty Act (“AEDPA”), commonly known as the 1996 immigration laws. The New Way Forward Act addresses some of these concerns and has been introduced in the House. The Dignity for Detained Immigrants Act ends mandatory detention.

- Pass legislation that would remove convictions as grounds for deportation and/or exclusion including aggravated felonies and drug offenses. The New Way Forward Act includes this legislation.

- Black migrants are often criminally charged for unlawful reentry for entering the U.S. The three or ten year bars they are subject to creates barriers to obtaining status. Removing this provision in the INA would ensure Black migrants attempting to secure their safety or reunite with their families have an opportunity to present their case.

- Avoid the inclusion of criminal bars to any immigration legislation, as it disproportionately restricts Black migrants from gaining immigration status.

State-Level Strategies

- States can institute policies that address the over-policing and criminalization of Black communities, such as decriminalizing acts that the broader public no longer believes should constitute a crime or violation, including marijuana possession.

- States should end collaboration programs between ICE and local law enforcement—often referred to as 287(g) agreements—that create a pipeline from arrest to deportation and disproportionately affect BIPOC individuals. This has already been done in some municipalities and states, and there are already many federal elected officials who support ending this policy.

- State legislative initiatives can prevent Black migrants from being abused and neglected within their jurisdictions by introducing and supporting legislation that prevents private and county jails from operating detention facilities within their jurisdictions. States such as California, Illinois, New Jersey, and others have already passed legislation to this effect.

- Recognizing that Black migrants receive disproportionately higher bond amounts than non-Black immigrants, state legislatures can introduce bills that limit private companies from using predatory and abusive practices. For example, New York recently passed legislation that prohibits private companies from using electronic shackles and abolishes fees and exorbitant interest rates when lending money for immigration bonds.

Humanitarian Strategies

- Congress should enact and expand positive immigration programs aimed at protecting Black migrants who are seeking safety and reunification with family in the United States by expanding and creating programs like Temporary Protected Status (TPS) or the Haitian Families Reunification Parole program.

- End Title 42, a policy that immediately deports migrants who are seeking asylum in the United States, which violates both U.S. and international law. Black migrants are disproportionately affected by Title 42, as those coming from African majority countries are most often subject to the policy. This leads to migrants having to search for clandestine ways to enter the U.S., considerably increasing the risks of becoming victims of human trafficking, sexual assault, and extortion.

RECOMMENDATIONS FOR THE IMMIGRANTS RIGHTS MOVEMENT



➤ Center and uplift the voices and experiences of Black migrants detained by ICE. A few examples include:

- Build meaningful relationships with Black migrants currently and formally detained;
 - When journalists ask for quotes, defer to Black migrants, especially if the issue pertains mostly to that particular Black community;
 - Hire and develop the leadership of previously detained Black migrants in your organizations as staff and/or consultants.
- Develop racial caucuses with your teams in order to unlearn internalized anti-Blackness among white staff and in non-Black communities of color, and create a safe and supportive space for Black staff and staff of color.

➤ Join efforts for outreach in support of federal legislation such as the Dignity for Detained Immigrants Act and the New Way Forward Act.

➤ Join the #EndTransDetention Campaign led by Transgender Law Center, Black LGBTQ+ Migrant Project, Mijente, and Familia: Trans Queer Liberation Movement. The campaign collaborates with local LGBTQIA and immigrants rights organizations and demands an end to the detention and deportation of trans immigrants and people living with HIV.

➤ Collaborate with the criminal justice movement to end all incarceration. Some examples include the Budget 2 Save Lives in California and People Over Private Prisons in New Mexico.

CONCLUSION

The legacies of control, violence, and coercion of Black people during slavery and Jim Crow are still alive and evident today. The immigration detention system is inextricably linked to this heinous legacy of anti-Blackness in the United States, and this system has furthered the mass incarceration, criminalization, and oppression of Black people. Since its institution in 2003, ICE has operated with the rabid objective of intentionally hiding the anti-Black violence and abuse this agency continues to inflict against Black migrants with near-total impunity.

Collecting critical race and ethnicity data is imperative to fully comprehend the scope of anti-Black violence and abuse perpetrated against immigrants in ICE detention. This report is one of many efforts to unveil the racist nature of the systemic violence present in the U.S. immigration detention system. Black migrants themselves, Black-

led organizations, advocates, and organizers have voiced these concerns with various oversight bodies, the general public, and with the U.S. government, but ICE's violence and secrecy continues. The only true solution to alleviate the abuse and torture of Black migrants is to end detention.

Finally, the authors would like to thank the courageous and brave individuals in detention who have organized, resisted, and spoken out against the horrific mistreatment they have experienced inside detention. We also recognize that as long as detention exists, we will never be able to fully uncover the truth.

Translations

- Para leer este reporte en español, [haga click aqui](#).
- Pour lire ce rapport en français, [cliquez ici](#).

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