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Leading Advocacy Organizations Submit Federal Complaint Regarding Ongoing Human Rights Violations at Torrance County Detention Facility

"The abuses you receive here in this prison bring you to think and feel anguish, depression."

–Jilson Pazmino, detained in TCDF, July 5, 2023

NEW MEXICO — This week, the New Mexico Immigrant Law Center (NMILC), Las Americas Immigrant Advocacy Center (LAIAC), Innovation Law Lab, and the American Civil Liberties Union of New Mexico (ACLU-NM) submitted a complaint to the Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL) and other oversight agencies, calling for an immediate investigation into ongoing due process violations and human rights abuses at Torrance County Detention Facility (TCDF). These organizations call on DHS to terminate its U.S. Immigration and Customs Enforcement (ICE) contract at TCDF. ***The complaint is available online [here](#).***

The complaint exposes systemic due process violations in the credible fear interview (CFI) process at TCDF, including interference with access to counsel, problematic and unlawful practices during the CFIs, failure to properly serve noncitizens their documents, and inadequate review of erroneous decisions by DHS and the immigration court.

Drawing on the accounts of hundreds of people detained, the complaint documents ongoing conditions violations and mistreatment of noncitizens by ICE and CoreCivic staff in the facility such as negligent medical and mental health care, physical assaults by guards, labor exploitation, and retaliation by staff.

Sophia Genovese, Managing Attorney at the New Mexico Immigrant Law Center, said: "DHS and its contractor cannot ensure the health and safety of people in ICE custody at the Torrance County Detention Facility. They could not do so when the facility reopened in 2019, and they remain unable to do so through 2023. Indeed, when confronted with these issues, DHS deflects and misleads the public into thinking nothing is wrong. DHS did this last year, and as a result, someone died. DHS's continuous failure to meaningfully address the numerous complaints out of the facility leads to thousands more people being subjected to the same torturous conditions, day in and day out. It's time for Secretary Mayorkas to finally acknowledge the problems plaguing TCDF and cancel DHS's contract at the facility."

Zoe Bowman, Senior Attorney at Las Americas Immigrant Advocacy Center, said: “In Torrance County Detention Facility, migrants have no chance at having their cases heard fairly or of being guaranteed their physical safety. Our team has witnessed numerous vulnerable individuals who have been treated inhumanely, including unethical conduct by medical professionals and retaliation against migrants who report abuse, as well as severe violations of due process that blatantly disregard human dignity and life. Using detainees as pawns, private companies such as CoreCivic, with no accountability or oversight, have garnered profits while maintaining terrible track records of mistreating and abusing people. This needs to end now. It is well past time for DHS to cut contracts and for the agency to reckon with its human rights abuses. We call on the Biden administration and DHS to put an end to this cruelty, and create more legal pathways that are open, fair, and accessible. Lives are at stake.”

Ian Philabaum, Program Director at Innovation Law Lab, said: “The DHS and ICE use the Torrance County Detention Facility as an expedited deportation factory and have demonstrated time and time again that they regard the repeated legal and human rights violations that occur in TCDF as collateral damage. Every week for multiple years we have heard the same complaints over and over from people detained in TCDF, highlighting that these violations have real human consequences – untreated medical conditions, psychological damage, and death. It’s time to hold ICE and DHS to account and shut down TCDF once and for all.”

Max Brooks, Staff Attorney at the American Civil Liberties Union of New Mexico, said: “We should be welcoming people seeking asylum with dignity, not shunting them to remote, poorly managed detention centers like Torrance County Detention Facility. This report shows that it’s not a safe facility and the staff can’t be trusted to respect asylum-seekers’ rights. They’re not even able to handle the bare minimum, like providing basic privacy for asylum interviews. It’s egregious, and New Mexicans shouldn’t accept it.”

Central to this complaint are twenty declarations from noncitizens detained at TCDF, collected by Las Americas. These declarations corroborate claims of lack of privacy during CFIs and deeply flawed CFI practices and procedures. One individual, for instance, was forced to undergo his credible fear interview within hearing distance of six other detained men, including one from the same rural region of his home country who could inform the individual’s persecutors.

The complaint also includes detailed case examples provided by NMILC showing the aftermath of this flawed process: that many people with strong claims for relief and facing great danger in their home countries are nonetheless ordered removed from TCDF, and that DHS and the immigration courts systematically fail to provide meaningful review of erroneous determinations.

Further the report also highlights accounts gathered by Innovation Law Lab detailing abysmal conditions at TCDF, including a man physically attacked by guards in July of 2023 and then denied basic treatment of his injuries for many days, food described as “disgusting” and “unfit for human consumption,” injuries caused by deferred maintenance, failure to pay noncitizens even the incredibly low sub-minimum wages promised them for work at TCDF, and widespread fear of retaliation for reporting abuses.

Advocates and noncitizens call on DHS to terminate its contract at TCDF, to cease further transfer of detained individuals to TCDF, to release individuals currently detained at TCDF with Notices to Appear in immigration court or pending appeals, and to investigate the systemic and specific violations and harms cited in this complaint.

“The guards mistreat us psychologically. They shout at us and only give us what we need when they want to. They say bad things to us when they want to. The food is very bad; I myself eat almost nothing. I’ve lost a lot of weight here. I ask, please, that a group of reporters come to review this

place and make a documentary of this prison so that the world will understand what we're living through here. I hope that my testimony will serve so that they close this place and don't bring more people here."

–Carlos Leonel Funez Monrroy, detained in TCDF, July 5, 2023

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[The New Mexico Immigrant Law Center](#) is a non-profit organization seeking to advance justice and equity by empowering low-income immigrant communities through collaborative legal services, advocacy, and education.

[Las Americas Immigrant Advocacy Center](#) is a 501(c)(3) non-profit providing high-quality legal services to low income immigrants. Since its founding in 1987, Las Americas has served close to 70,000 persons, with a strong focus on women, children, families, the LGBTQ community and asylum seekers.

[Innovation Law Lab](#) leverages the law, technology and organizing to end isolation and exploitation of immigrants and refugees, build permanent pathways to immigrant inclusion, and advance justice.

[The American Civil Liberties Union of New Mexico](#) works to advance justice, liberty, and equity as guaranteed by the constitutions of New Mexico and the United States.