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Refugee Women and Children

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BEHIND LOCKED DOORS:
Abuse of Refugee Women at the
Krome Detention Center
October 2000





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MISSION STATEMENT

The Women's Commission for Refugee Women and Children seeks to improve the lives of refugee women, children and adolescents through a vigorous program of public education and advocacy and by acting as a technical resource. Founded in 1989 under the auspices of the International Rescue Committee, the Women's Commission is the first organization in the United States dedicated solely to speaking out on behalf of women and children uprooted by armed conflict or persecution.

The mandate of the Women's Commission is to work on behalf of all women and children who flee their homes and communities, including those who seek refuge in the United States. In 1995, the Women's Commission initiated a project to assess the treatment of women asylum seekers in the United States. This evaluation considered the physical conditions in which women are detained; their access to legal counsel and the U.S. asylum system; the protection they are provided to ensure their safety; and their physical, mental and social well-being. In 1997, the Women's Commission expanded the Detention and Asylum Project to address the critical protection needs of children and adolescent asylum seekers who make their way to the United States. This includes assessing the treatment that children receive in detention as well as their ability to access the U.S. asylum system.

In the course of its Detention and Asylum Project, the Women's Commission has interviewed dozens of women and children asylum seekers, government officials charged with their care and legal and social service providers. It has also visited more than 30 detention centers across the country. The following is one in a series of reports on specific facilities; this report focuses on the situation of women in detention in the Krome Service Processing Center in Miami, Florida. The Women's Commission visited Krome in March 2000 and again in September 2000.

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EXECUTIVE SUMMARY

The Krome Service Processing Center, a large detention center operated by the Immigration and Naturalization Service (INS) on the outskirts of Miami, Florida, stands as stark evidence of the INS's failure to centralize, professionalize and restore compassion to its immigration detention program. Largely due to an increased emphasis on detention as an enforcement tool under the Illegal Immigration and Immigrant Responsibility Act of 1996, the INS currently detains almost 20,000 individuals on any given day, making immigration detention the fastest growing prison program in the United States. Despite the fact that a significant percentage have committed no crime and are simply exercising their right to seek refugee protection in the United States, INS detainees are subject to harsh treatment and punitive conditions.

Perhaps nowhere is this more true than in Krome, a facility which for years has been plagued with chronic problems and has been the target of multiple federal investigations. The Women's Commission for Refugee Women and Children assessed conditions for women asylum seekers in the facility twice, in March 2000 and again in September 2000. The Commission's own research, based on interviews with current and former women detainees and INS officials, as well as the reports of local legal service providers, reveals widespread sexual, physical, verbal and emotional abuse of detainees, especially women.

Allegations of sexual abuse are being investigated by three agencies of the Department of Justice: the Office of the Inspector General, the Federal Bureau of Investigation and the U.S. Attorneys Office. Attorney General Janet Reno has also assigned a high-level Justice Department official to investigate other abuses at Krome. However, it remains to be seen what will result from these investigations. Disturbingly, similar complaints have been raised at Krome in years past but with no disciplinary or legal actions resulting against the officers implicated. Some of the very same officers who were accused of sexual and/or other physical abuses are alleged to be involved in the latest misconduct. Some continue to work at Krome to this day.

Women consistently describe an atmosphere of fear and intimidation in the facility. Sexual abuses ranging from rape to sexual molestation and

harassment have been occurring repeatedly at the hands of at least 15 male INS officers. Women who cooperated in sexual activities were made false promises of release from detention. Threats of deportation, transfer to county jails, or even death were leveled at women who dared to resist or complain of such abuses. Physical and emotional abuses have included demanding that Muslim women remove their veils or go without eating and yelling at women of particular nationalities.

Language barriers and a lack of access to legal services make women further vulnerable to abuses. Medical care is grossly inadequate at times. Prolonged detention and the stress caused by miserable living conditions drive some women to attempt suicide.

The INS at the national level must regain control of its detention program. It must develop and consistently apply generous parole policies for asylum seekers. It must develop alternatives to detention for those asylum seekers who cannot be released. It must ensure oversight of conditions of detention and the highest level of professionalism among detention center personnel.

And it must aggressively pursue prosecution of or disciplinary action against every officer involved in sexual abuses against women detained in the Krome facility and immediately take every step necessary to ensure that such abuses are never repeated in Krome or any other detention center. Nothing less is acceptable from a country that prides itself for its strong refugee tradition and generous immigration policies.

BACKGROUND

INTRODUCTION

Although the United States claims to be a leader in refugee protection, in practice it fails to live up to this claim. Since passage of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), it has adopted and implemented harsh new asylum and detention procedures that severely threaten the ability of asylum seekers to obtain refugee protection in the United States.

IIRIRA constructed a series of almost insurmountable hurdles to asylum seekers seeking protection in the United States under the guise of streamlining the asylum process. These changes embrace two cornerstones. First is the implementation of an expedited removal system at U.S. ports of entry, under which individuals who arrive without the appropriate documents to enter the country are subject to a cursory review of their claims that pays little heed to basic principles of due process.¹ Second, even if an individual successfully passes this initial screening, he or she may be detained by the INS for a prolonged period that can last months or even years. Moreover, the United States relies heavily on prisons and detention centers with prison-like conditions to incarcerate asylum seekers.

Of the tens of thousands of individuals who seek protection in the United States each year, thousands are women and children. They come from troubled regions around the world, including Afghanistan, the Balkans, Sierra Leone, Somalia, Sudan, China, Haiti, Cuba, Central America and Colombia. They have often fled human rights violations specific to their gender, including rape, forced marriages, female genital mutilation, sexual slavery, honor killings and forced prostitution. Women are at grave risk of being denied the protection they deserve under the restrictions of IIRIRA.

Since 1995, the Women's Commission for Refugee Women and Children has monitored conditions of detention for women in INS custody. This assessment has looked at the physical conditions in which women are detained, their access to legal counsel, the protection they are provided to ensure their physical safety while in detention and their physical, mental and social well-being. The Women's Commission has also advocated for the development of U.S. procedural protections and

jurisprudence that fully acknowledge the often unique forms of persecution that women and children are forced to flee.²

U.S. DETENTION POLICY

Since 1996, the detention of individuals apprehended by the INS has dramatically increased. The daily capacity of the detention program has almost tripled from approximately 7,000 individuals in 1995 to almost 20,000 today.³ The INS has projected that these numbers will grow to 24,000 by 2001.⁴ The Administration requested \$1.195 billion to support its detention program for Fiscal Year 2001.⁵ Immigration detention is in fact the fastest growing prison program in the United States.⁶ Caught up in the detained population are women who have fled human rights abuses in their homelands and are exercising their right to seek refugee protection, or asylum, in the United States.

The INS has estimated that asylum seekers comprise approximately five percent of the detained population on any given day. Women constitute approximately seven percent and children three percent of the detained population. Unfortunately, the exact numbers of detained asylum seekers are difficult to ascertain as INS data gathering is notoriously poor. In 1998, Congress passed two provisions requiring the INS to collect demographic data on detained asylum seekers and other detained aliens. These provisions require the INS to report such data annually to the Senate and House Committees on the Judiciary starting on October 1, 1999. Despite this law, the INS to date has failed to provide such data to Congress due to its inadequate data collection infrastructure.⁷

The increase in immigration detention is largely attributable to enactment of IIRIRA, a comprehensive overhaul of U.S. immigration law designed to restrict access to the United States for most newcomers, including those individuals seeking refuge from armed conflict and persecution.⁸ Included among the many enforcement tools embraced by IIRIRA was an increased emphasis on detention of individuals who lack the required documentation to enter the United States. Many asylum seekers fall into this category; asylum seekers are often the least able to procure the documents necessary to enter the United States because they cannot afford to risk the time or exposure to government authorities necessary to obtain travel documents.

Theoretically, however, parole from detention is available to asylum seekers. The INS itself has stated in field directives that its policy should normally be to release asylum seekers who have established a “credible fear” of persecution, a preliminary screening standard that asylum seekers must meet under expedited removal before they are allowed to pursue their asylum claims.⁹

However, despite such instructions from INS Headquarters to its district offices, many INS districts continue to imprison asylum seekers for prolonged periods, in some cases even for years. The disparity between the stated national policy and implementation at the local level is attributable to the fact that tremendous discretion to parole asylum seekers has been delegated to INS district directors. Belying the soundness of these decisions is the fact that many such asylum seekers are ultimately successful in their asylum claims.¹⁰ Sadly, they may have endured years of unnecessary incarceration in the meantime.¹¹

Moreover, asylum seekers are detained in harsh conditions in prisons or prison-like detention centers. The INS utilizes four types of facilities to house adults in its custody:

- o Service Processing Centers, which are owned and operated by INS;
- o contract facilities, which are designed to house only immigration detainees but are subcontracted out by the INS to private correctional companies which assume day-to-day responsibility for the care of detainees;
- o county and local jails designed to house criminal inmates but from which the INS rents bed space for detainees as needed; and
- o federal prisons operated by the U.S. Department of Justice Bureau of Prisons.¹²

In response to pressure from refugee and immigrant rights organizations, the INS in recent years has begun to develop standards for conditions of detention. These standards are designed to cover a range of issues, including access to counsel, visitation rights, telephone access, medical care, diet, grievance procedures and others. However, the standards suffer from some fundamental flaws. First, they are non-binding, as they are not incorporated in statute or regulation. Second, they are largely based on the standards of the American

Correctional Association, which are geared toward a criminal population. Thus, the standards fail to adequately consider the unique needs of asylum seekers. Finally, to date the standards do not apply to the county and local prisons used by the INS, in which more than half of INS detainees are actually housed.¹³ (The INS has stated that it intends to move toward requiring such facilities to abide by the standards over the coming years; however, early indications are that such standards may be watered down in order for local facilities to be able to comply.¹⁴)

SYNOPSIS OF APPLICABLE INTERNATIONAL LEGAL STANDARDS

International Legal Standards Pertaining to Detention

Both treaty and customary international law prohibit prolonged arbitrary detention. Article 9 of the Universal Declaration of Human Rights, the basis for most human rights law, states that “No one shall be subjected to arbitrary arrest, detention, or exile.”¹⁵

Additional support for this principle is found in the International Covenant on Civil and Political Rights (ICCPR), article 9(1) of which states that “No one shall be subjected to arbitrary arrest or detention.” Article 9(4) of the ICCPR elaborates, “Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.”¹⁶

The United Nations High Commissioner for Refugees (UNHCR), the primary international agency mandated to protect refugees, has elaborated on these international standards as they apply to asylum seekers. In its Guidelines on Applicable Criteria and Standards Relating to the Detention of Asylum Seekers, the UNHCR notes that detention of asylum seekers is inherently undesirable and that as a general principle should be avoided. It recommends that there be a presumption against detention, but that if used, detention should be limited to a minimal period of time. Finally, the Guidelines urge that detention be resorted to only in cases in which 1) it is necessary to verify the identify of a person; 2) it is necessary to determine the elements of a person’s asylum claim; 3) an asylum seeker has destroyed or used fraudulent documents to mislead authorities; or 4) it is necessary to protect national security. The Guidelines also call for special protection of populations at risk, including children and single and pregnant women.¹⁷

UNHCR has directly addressed its concerns about U.S. detention policy to the INS. Prior even to the enormous growth in U.S. detention since 1996, the agency wrote in 1993 to the INS Commissioner:

*“The UNHCR Executive Committee has expressed deep concern about the detention of refugees and asylum seekers merely on account of their undocumented entrance or presence in search of asylum. Executive Conclusion No. 44 recommended that ‘in view of the hardship which it involves, detention should normally be avoided.’ Detention of refugees and asylum seekers should normally be limited to the shortest time necessary to establish the applicant’s identity and the elements of the asylum claim.”*¹⁸

UNHCR has continued to express its alarm at U.S. detention of asylum seekers since enactment of IIRIRA. In

February 1999, the agency wrote a letter to the Commissioner of the INS asking the United States to abide by the UNHCR detention guidelines and to exercise its discretion to release asylum seekers.¹⁹ The UNHCR Washington Representative observed, “Asylum seekers who are not a threat to society should not be detained and should not be treated like criminals.”²⁰

International Legal Standards Pertaining to Refugee Protection

After World War II, the international community joined together to establish international standards for the protection of refugees. This effort resulted in the 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Protocol (the Refugee Convention).²¹ Together, these legal instruments impose on countries the obligation to protect any individual found to have a well-founded fear of persecution on account of race, religion, nationality, political opinion, or membership in a particular social group.²² Countries are prohibited from expelling or returning refugees to a country where their life or freedom would be threatened based on these criteria.²³ Refugee law also mandates that countries not impose penalties on asylum seekers on account of their illegal entrance or presence as long as they present themselves without delay to the authorities and show good cause for their illegal entrance or presence.²⁴ Countries are also prohibited from restricting the movement of such refugees other than those measures that are necessary.²⁵

The United States ratified the Refugee Convention in 1968 and incorporated its principles into its domestic law in 1980.²⁶ The Refugee Convention does not specifically call for the protection of women who flee gender persecution. However, in 1995, the Immigration and Naturalization Service issued “Gender Guidelines,” which lay out procedural, evidentiary and legal considerations for asylum adjudicators when addressing gender persecution claims.²⁷

Since issuance of the Guidelines, U.S. jurisprudence has slowly evolved to extend protection to victims of gender persecution. However, this progress has recently been called into question by a decision of the Board of Immigration Appeals, the highest administrative appellate body within U.S. immigration law. In *Matter of R-A-*, the Board overturned a decision of an immigration judge who granted asylum to a Guatemalan woman who had fled extreme abuse by her husband and to whom the Guatemalan government had consistently failed to provide protection.²⁸ At the time of this report, an effort by women’s rights, refugee rights and immigrant rights organizations was underway to persuade the Attorney General to overturn the Board’s decision.

CONDITIONS OF DETENTION IN KROME SERVICE PROCESSING CENTER

A HISTORY OF PROBLEMS

Florida is host to one of the largest immigration detention centers in the United States, the Krome Service Processing Center. The INS uses Krome to house a variety of individuals in its custody, the two largest populations being people who are subject to removal from the United States because of a crime they have committed and asylum seekers. A significant number of the asylum seekers imprisoned in Krome have traditionally come from troubled Caribbean countries, most notably Cuba and Haiti. However, they also come from a number of other countries, including Algeria, Angola, eastern Europe, Yugoslavia, Nicaragua, Guatemala, Colombia, Sierra Leone, Somalia, Sudan, Ecuador, Afghanistan, China and others.

Since its opening, the Krome Service Processing Center has been the subject of tremendous controversy. For years, the legal service community, detainees and their families and even some facility staff have complained about the facility. According to a 1996 report by the Florida Immigrant Advocacy Center (FIAC):

“...recent allegations include severe overcrowding, prolonged detention and denial of parole, impediments to legal representation, verbal and physical abuse, lack of a grievance procedure, untrained and unqualified detention officers, improper use of segregation, lack of proper medical care, unhygienic living conditions, transfers to county jails, denial of access to journalists and visitors and discriminatory treatment of certain nationalities.”²⁹

These complaints were not new. The facility has been the subject of federal investigations of alleged abuses every few years going as far back as 1986.³⁰

Criticism of Krome reached its peak after a 1995 congressional visit to the facility by the Congressional Task Force on Immigration Reform. A group of INS staff leaked to the delegation that the INS had attempted to cover up true conditions in the facility during the delegation’s visit. Under instructions from top-level INS officials, the facility had been cleaned up and detainees released or transferred to alleviate overcrowding with the explicitly stated intent to deceive the delegation.³¹

INS employees also engaged in a collective effort to generate and perpetuate false information about what they had done. As a result of an investigation by the Office of the Inspector General (OIG), the INS demoted and/or transferred several officials implicated in the scandal, including the Eastern Regional Director and the Miami District Director.³²

After this debacle and under increasing pressure from the immigrant advocacy community to address widespread problems in the detention system, the INS stated its commitment to cleaning up the facility and improving its management.³³ The facility, however, first went through a very troubled period, in which INS personnel rotated every few months in and out of the position of officer-in-charge, the top administrator in charge of the facility, thus adding to the low morale of staff and continuous confusion about facility rules. Finally, in September 1998, the INS placed Edward Stubbs, a former U.S. Marshals Service official, in charge of the facility, with the mandate to resolve the chronic problems that plagued the facility.³⁴ Soon after assuming his new position at Krome, Mr. Stubbs remarked: “We have a car that is running. It’s just not running very well. At every stoplight, we pray it won’t stall. We’re trying to make it a little more dependable every day.”³⁵ Mr. Stubbs told the Women’s Commission, “When I arrived here, this place was in turmoil.”

At the time of the Women’s Commission’s first visit to Krome in March 2000, it appeared that Mr. Stubbs was making progress toward his stated goal of improving the facility. Unfortunately, however, these improvements were merely cosmetic, as reports broke in May 2000 of rampant sexual misconduct by guards and drug trafficking in the facility, events that led to Mr. Stubbs’s abrupt resignation in July 2000 and a new period of public scrutiny of the facility.³⁶ It was due to these events that the Women’s Commission visited Krome a second time in September 2000.

PHYSICAL SETTING

The Krome Service Processing Center is 25 miles from downtown Miami and is located at the edge of the Everglades. It was opened in 1980 to handle the influx of Haitians and Cubans arriving in the United States around that time. Although designed for short-term detention, detainees may spend months or even years in the facility before their

proceedings are finally completed and they are released or deported. Since enactment of IIRIRA, the composition of the population has changed significantly, with approximately 90 percent of the population now held due to mandatory detention for criminal convictions and 10 percent held in administrative detention, such as asylum seekers.³⁷

The official capacity of Krome is difficult to ascertain. Numbers provided by the INS have varied from 226 to 538.³⁸ Some of this variation may be attributable to growth or shrinkage in dorm space as the facility is renovated.

Regardless, the INS and local legal service providers report that the number of detainees held in Krome fluctuates dramatically and that overcrowding is a chronic problem.³⁹ An attorney who regularly visits the facility observed: "When the facility is overcrowded, everything breaks down. Recreation stops, attorneys have to wait hours to see their clients, et cetera."⁴⁰ At the time of the Women's Commission visit in March 2000, the facility was clearly overcrowded. The officer-in-charge admitted, "They're coming in quicker than we have beds to put them in." He indicated that the daily population was at 680. Legal service providers reported that at other times the numbers have climbed to over 800.⁴¹ By the time of the Women's Commission's second visit, however, the numbers had dropped to 525.⁴²

While euphemistically referred to as a "Service Processing Center" in INS parlance, Krome is in fact a prison. The facility is surrounded by double fences topped with concertina wire. Visitors' credentials are closely scrutinized. A Women's Commission delegate was reprimanded for taking photographs. Adding to the enforcement environment is the persistent noise of gunfire, which originates from a federal firing range located on the perimeter of the facility.

Inside the facility, detainees are housed in dormitories that are surrounded again by fences. The facility is heavily guarded by INS officers dressed in uniforms. Detainees themselves wear prison uniforms. Different colors denote different security classifications; "criminal aliens" wear red, while "administrative detainees," such as asylum seekers, wear orange. When moving from one part of the facility to another, such as from their dormitory to the cafeteria, detainees are often forced to walk single file under the close supervision of guards.

The dormitories themselves are institutional and sterile in nature. Women are housed in Dorm 14, which is divided in half, with the asylum seekers housed in Dorm 14A and the women who are subject to deportation because of crimes they have committed housed in Dorm 14B. The two sides are connected through a doorway. Bunk beds are lined up in long rows with little space in between. Conditions become even more crowded as the population increases, as temporary cots are squeezed between existing beds to accommodate the increase in numbers. Bathrooms offer little privacy. There is a small sitting area with tables, chairs and a television where the women congregate. Detainees are not allowed to decorate the dorm in any way. Guards sit near the dorm entrance monitoring the activities of the women.

Dorm 14, however, does represent an improvement in housing for women held at Krome. In past years, women were housed in the Public Health Service (PHS) medical clinic. Conditions in the clinic were overcrowded and privacy disrupted by the daily activity of the clinic.⁴³ Women with children were held during the day in the processing area at Krome and then moved to a hotel at night. Conditions in the processing area were so poor that in August 1998 detention enforcement officers wrote a memo to their supervisors voicing concern. Among their complaints were that criminal aliens and male detainees were sharing a bathroom with minors, women and children were forced to eat their meals on the floor, ventilation was poor and that women and children had no access to recreation. The memo concludes: "We hope that by reporting some of these violations we can instill a new attitude of caring, professionalism and concern. We feel that this is not only a human rights issue, but also a safety and legal issue that INS cannot afford to ignore."⁴⁴

In addition to the dormitories, the facility also includes a recreation building, the PHS clinic, a cafeteria and various administrative buildings. Attorneys are allowed to visit their clients in four attorney/client visitation rooms in an administrative building near the front of the premises. One of these booths is assigned to FIAC and allows contact visits. The other booths are smaller and attorneys must consult with their clients through plexiglass dividers.

The Executive Office for Immigration Review

maintains two immigration courtrooms near the attorney visitation area. The INS Office of International Affairs also maintains office space in trailers on the premises for the six asylum officers it has assigned to the facility to conduct credible fear interviews with asylum seekers.

In March 2000, Mr. Stubbs had clearly been making an effort to spruce up the facility's physical plant. In 1997, when the Women's Commission participated in an Amnesty International mission to Krome, the facility was run down and criss-crossed with internal fencing. Bathrooms were dirty and suffered from standing water.⁴⁵ In contrast, the facility during this visit was clean and freshly painted. Much of the internal fencing had been removed. A new activity center was under construction. In November 1998, Mr. Stubbs indicated that Krome had been provided with an additional \$3.3 million to fund these improvements and that he was confident that additional funding would be forthcoming to reach the \$6 million level he projected was necessary to accomplish needed changes.⁴⁶ That month, INS announced plans to build a new complex to house women and children at Krome,⁴⁷ but later said this would not happen. (Like any prison, Krome is expensive to operate, costing approximately \$75 per day to house each detainee. The annual budget for the facility ranges from \$9-11 million.⁴⁸)

Mr. Stubbs noted that he had four priorities in seeking to improve the Krome facility: policies and procedures, the physical facility, the public perception of the facility and personnel. He estimated that it would take three to five years to accomplish these goals. While progress had been made on the first three goals, it became apparent after the Women's Commission visit in March that personnel problems continued to plague the facility.

SEXUAL ABUSE OF WOMEN DETAINEES

The physical safety of female detainees imprisoned at Krome has been seriously jeopardized by officers who have preyed on the women's vulnerability and uncertain immigration status. Reports of sexual abuses began to surface in May 2000, shortly after the Women's Commission's first visit in March.

What is most disturbing is the fact that such reports are not new.⁴⁹ In 1990, the FBI investigated allegations of sexual and physical abuse of

detainees held at Krome, but no official report was made public, and advocates are not aware that any disciplinary actions were taken or criminal charges lodged.⁵⁰ At the time, investigators told advocates that if there was no third party to witness the abuse, there was nothing they could do about it.⁵¹ In 1998, a woman detainee held in a local motel complained of sexual harassment by an INS officer but he was never disciplined or indicted.⁵² Some of the guards implicated in the most recent scandal had already been the subject of investigation for sexual abuse in these prior investigations. However, they retained their positions at the facility and are now the subject of investigation once again.

Three agencies within the Department of Justice are participating in the investigation: the OIG, the Federal Bureau of Investigation (FBI) and the U.S. Attorneys Office.⁵⁷ (Attorney General Janet Reno has also assigned a high-level Justice Department official to investigate other abuses at Krome.⁵⁸) At the time of this report, these agencies were looking into 20 separate allegations against several INS officers and one PHS officer. Two grand juries had been convened and two INS officers indicted, one for rape and the other for fraud.⁵⁹ Nine INS officers had been reassigned from their duties at Krome to desk jobs in the INS Miami District Office pending the investigation.⁶⁰ However, several others against whom allegations have been made by women detainees continued to work at the facility.⁶¹

The reports of sexual misconduct are repugnant in their detail, ranging from rape to molestation to trading sex for favors. Women report that often officers use the women's lack of immigration status as an inducement to participate in sexual activities. They report that officers would make false promises that they could release a woman from detention if she participated in sexual acts. In other cases, detainees say that deportation officers have threatened them with deportation or transfer to a county prison if they resisted a guard's sexual advances or if they complained of a guard's treatment.

The complaints of sexual abuse have been brought primarily by women who are subject to removal from the United States because of criminal convictions. However, it is clear that asylum seekers are also exposed to abuse and violence. One asylum seeker was reportedly raped, and at best, other asylum seekers detained at Krome are exposed to

SEXUAL ABUSE OF DETAINEES BY KROME OFFICERS NOT NEW

Sara (a pseudonym) is an asylum seeker from Angola.⁵³ She arrived in Miami in 1998 with her husband and seven-year-old daughter after the Angolan military threatened to kill her politically active husband.

The INS separated Sara's husband from Sara and her daughter. Although ill with an infection in his leg, he was imprisoned in Krome, while Sara, at the time four months pregnant, and her young daughter were taken to a hotel. Sara was only allowed to see her husband for half an hour each weekend, even though she and her daughter were taken to Krome, along with other women and children detained in the hotel, each morning at 5:00 a.m. to spend the day.

At Krome, the women and children were held in a small processing room with little space and little to do. They were fed their last meal at 4:00 p.m. and then transported back to the hotel. Although the hotel was only 30 minutes from Krome, the van ride back to the hotel would sometimes take hours as INS officers stopped to eat. The women and children would be left in the closed van for as much as an hour with the windows shut while the guards went to a restaurant. Sara reported to her attorney: "The time we were left the longest, my daughter and a one-year-old baby started throwing up. It was so hot and they were both nauseous from the heat." The officers would also eat in front of the children, who would often cry from hunger. The van would sometimes not arrive back at the hotel until midnight.

Sara was sharing a hotel room with her daughter and two Somali women. Typically, the INS officers who guarded them during the night were men.

One night, Sara awoke with the feeling that someone was very close to her. When she opened her eyes, a male officer was kneeling next to her bed, his face only a foot or two away. He smiled and laughed. Sara turned away and tried to fall asleep. The guard tapped her arm. He said: "I feel sad. My girlfriend left me. I need someone to talk to." Sara told him to leave her alone. He left.

When Sara awoke later, the officer had returned. He asked her for a massage on three separate occasions. She refused and began to cry. The officer returned several times during the night. He said to her "Where can I find a woman? I need a woman."⁵⁴ Sara told him that she was pregnant.

The officer asked her how far along in her pregnancy she was and then finally left her alone.

After Sara's experience was reported to the INS by FIAC, the INS Office of Internal Audit (OIA) interviewed her. However, prior to this interview, the investigating officer told FIAC that the detainee "was just another person making false accusations against Immigration," thus raising serious concerns about the investigator's objectivity.⁵⁵ The investigation resulted in little follow-up and no disciplinary action. In fact, the preliminary report from the investigation was lost for a period of time. The Miami District staff were also dismissive of the woman's complaint. FIAC reports that when the issue was raised at a meeting with district staff one supervisory official started to laugh.⁵⁶

In January 1999, in response to a letter from FIAC in September 1998 inquiring about the status of the investigation, INS Commissioner Meissner wrote: "The OIA has completed the investigations.... The allegation that Ms. [Name Withheld] may have been the recipient of improper advances was ... unsubstantiated. The investigation did disclose systemic issues. These findings regarding policy and procedures concerning women and children detained as a result of a petition for asylum have been forwarded to senior management for review and action. Let me assure you that the INS does not tolerate rude or abusive behavior by our employees."

Since Commissioner Meissner promised systemic changes, the women and children housed in hotels are no longer transported to Krome during the day. However, they are now locked in the hotel around the clock with no outdoor exercise, a situation that is particularly unhealthy for children. The women and children also do not have adequate access to legal assistance, since attorneys cannot visit them at the hotels. Finally, at the time of the Women's Commission's visit to the hotel in March 2000, one of two officers assigned to guard the women and children was male, leaving open the question as to how well protected the women are against sexual abuse and harassment.

an atmosphere of fear and intimidation. A witness to the sexual misconduct reported, for example, that an INS officer and a woman detainee used the bathroom in Dorm 14A, where asylum seekers are generally housed, to have sex in the middle of the night. It is also possible that women seeking asylum are subject to sexual harassment or abuse but their experiences go unreported due to language and cultural barriers.

ASYLUM SEEKER RAPED

The most serious allegation raised thus far has been the rape of a Mexican transsexual who was seeking asylum in the United States on the basis of sexual orientation, Christina Madraso.⁶² When asked by the *Miami Herald* why she came to the United States, Ms. Madraso⁶³ said, “I felt that Miami was more safe for people like us.”⁶⁴ She had been badly beaten by four men in Mexico because of her sexual orientation and had spent 20 days in a hospital as a result. She left Mexico shortly thereafter. Ms. Madraso was granted asylum by an asylum officer, but the INS appealed that grant. An immigration judge affirmed the grant of asylum. However, a fingerprint check revealed that Ms. Madraso had been convicted of two misdemeanors, although these misdemeanors do not appear in local criminal records. As a result, the grant of asylum was rescinded and the INS apprehended Ms. Madraso and detained her at Krome. The asylum denial is under appeal.⁶⁵

Ms. Madraso’s problems at Krome began almost immediately. While she was well into the medical process for becoming a female, the INS inexplicably placed her in a male dorm. There she had sexual relations with other detainees. Whether these encounters were consensual or not remains unclear.⁶⁶ Ms. Madraso has also alleged that guards in the dorm touched her breasts and followed her into the bathroom to gawk.⁶⁷

She was then placed in a segregation cell. Lemar Smith, an INS officer who has been working for the INS for two years,⁶⁸ was assigned to guard her. Ms. Madraso has reported that once in isolation Mr. Smith asked her to take her clothes off. He then raped her while she tried to defend herself. She reported the attack to the PHS and the INS and she was moved to an isolation cell attached to the medical clinic. A week later, Smith arranged to deliver her food tray to the cell and raped her again.

At this point, justice took an even stranger turn for Ms. Madraso. After she filed a complaint regarding the second rape, she reports that INS officials gave her an impossible choice: she could agree to either transfer to a mental institution or a county prison or to return to Mexico, despite the fact that she still had the right to appeal her asylum claim to the Board of Immigration Appeals. Ms. Madraso agreed to return to Mexico.

Fortunately, before her removal to Mexico, an investigation of her complaints was finally launched by the OIG. Ms. Madraso was moved to a hospital and then released from detention. This investigation resulted in the arrest on August 31, 2000 and indictment of Mr. Smith by a federal grand jury on four charges of sexual assault, which could result in 42 years in prison.⁶⁹ However, in striking contrast to the INS’s reluctance to release many of the women who have spoken out about sexual abuses (see below), Mr. Smith was released from custody on a \$50,000 bond three days after his arrest.⁷⁰

It appears that the rape of Ms. Madraso is not an isolated incident of sexual abuse at the Krome facility. Since her experience became public, several other women detainees incarcerated in the facility have come forward with allegations of sexual abuse and harassment.

SEXUAL ABUSE WITNESSED BY ASYLUM SEEKER

Maria (a pseudonym) became a lawful permanent resident in the United States in 1975, when she was 10 years old. Because she had been convicted of a non-violent offense, however, her status was revoked and she became subject to removal to her home country of Colombia. Maria, however, is homosexual and fears return to Colombia where persecution of gays and lesbians is common and a civil conflict is escalating.⁷¹ She therefore raised a claim to asylum as a defense to removal.

The INS apprehended Maria and detained her at Krome. She was incarcerated in the facility for 17 months, during which time she witnessed several incidents of sexual abuse and harassment. During an interview, she reported to the Women’s Commission that she was aware of 18 or 19 “bad guards.” She explained: “They’re the old school at Krome. They have seniority and they know how to manipulate it.”

Maria described several incidents of INS officers approaching women for sex. A fellow detainee told her that she had been approached by a guard while participating in a cleaning crew. She had spilled a cleaning chemical on herself and had stopped to change her T-shirt. The officer approached her while she was changing and tried to kiss her. He followed her into the bathroom as she resisted his advances and told him that she did not want to get into trouble. He opened the door of the bathroom while she was undressing, grabbed her by the neck and began tearing at her bra. He then unzipped his pants and only stopped when she threatened to scream. Before leaving her, he said, "I thought you wanted it." The detainee was transferred to a county prison shortly thereafter.

Maria commented: "You have to understand that one of our biggest fears in detention is being transferred. Usually it's the woman involved who gets punished, not the guard. The guards view Krome as just a meat market."

Maria also reported that another detainee told her that a deportation officer had called her into his office and asked her to write him "sex letters." The detainee told Maria that the officer said, "How good you are at talking dirty will affect the way you are deported." The detainee refused to write letters to the officer. She was subsequently deported after an arduous trip from Miami to Bradenton, FL to Texas in a van with men. Meanwhile, this officer also continues to work at Krome.

Maria's report about corruption and abuse in Krome was corroborated by other women interviewed by the Women's Commission.

SEXUAL ABUSE CORROBORATED BY OTHER WOMEN DETAINEES

Ana (a pseudonym), who is from Nicaragua, served only 26 days in jail for a minor crime. Because that crime made her vulnerable to removal from the United States, however, the INS apprehended her in April 1999 and placed her in Krome for 12 months. Her husband and three children are all U.S. citizens.

Ana came forward to file a complaint regarding the abuses she had seen at Krome at the same time as Maria. Ana told the story of an officer who approached a Cuban detainee; he pulled down his pants and asked her to perform oral sex on him.

She refused. Ana said: "The officer is still at Krome. He flirts constantly. If you give him an inch, he'll take a mile."

When reports of rampant misconduct began to be investigated, a few of the victims were finally released from detention, including the woman who had confided in Maria. The guard implicated in this story, however, remains on duty at Krome.

Ana also described one male PHS nurse as a "gigo-lo." He was interested in a woman who had been released from Krome. He asked Ana: "What happened to your friend? She promised to call me once she was released, but she never did. We had a blast." He then described to Ana how he used to kiss the detainee in question. He told Ana to tell her friend to call him to set up a date. Ana said, "He told me he was going to put my name on the list for a physical so that I could report back to him what her answer was." Ana refused to submit to the physical and avoided contact with the officer.

Shortly after filing a complaint about the abuses she had witnessed, Ana was transferred, along with several Somali women asylum seekers, to the New Orleans Parish Prison (NOPP) in New Orleans. The NOPP was the subject of a Women's Commission investigation in 1996, which raised serious concerns about conditions in the facility.⁷² (Maria was also threatened with transfer to a county prison by the officer against whom she had lodged a complaint, but that decision was overridden because she was setting up computer programs for the facility. Another officer intervened and blocked her transfer. The first officer told her that he had been blocked but that he would get her transferred anyway. He said, "I know who I can trust now.")

Ana remained at the NOPP for two months before she was transferred back to Krome. She saw other women who raised complaints released. However, a deportation officer asked her about the pending investigation and told her: "You won't be released because I'll make sure that you stay here. I'll deport you and bar you from returning to the United States for 10 years." Ana was transferred to the Federal Detention Center in Miami prior to testifying before a grand jury. She was subsequently released. (See below.)

Bernadette (a pseudonym), a Haitian woman, spent 19 months in prison serving a criminal sen-

tence and seven months in Krome awaiting her deportation before she was released pending the investigation of abuse at Krome. She has lived in the United States since she was an infant and has a U.S. citizen child. She told the Women's Commission: "While I was in Krome, I prayed they would ship me back to prison. Krome is disgusting, far worse than prison. It is pure sexism and the women suffer more than the men."

Bernadette herself was targeted by INS officers pressuring her to engage in sexual acts. She said: "They come on to you. If you refuse their advances, they treat you like crap." She reported that one guard pressured her for sex. Initially she agreed to cooperate, but then she backed off. He approached her again in the PHS clinic. When she refused his advances, he grabbed her by the throat and shoved her against the wall. She reported that after that attack, the officer would call her nasty names, including "whore," when he saw her. He would also enter the women's dorm late at night to talk to women with whom he had ongoing sexual relations. When he walked by Bernadette's bed, he would kick or shake it. She said he would regularly threaten women with deportation or warn that he would have them "disappear" in the Everglades.

An officer called Bernadette a "lollipop" (alluding to alleged sexual activity by the woman) after she refused to have sex with another officer. When Bernadette told him she was going to file a grievance for sexual harassment, he said, "Don't f--- with me."

One day when Bernadette and her friend were in the cafeteria a detainee told them that a letter was in the bathroom for them. Bernadette went to get the letter. When she went in she was surprised to find an officer sitting on the toilet. Bernadette said that she froze, and the guard told her to remove her shirt and bra and then he began to fondle her. She said that the incident seemed "to last an eternity." After a while her friend walked in and the officer received a lap dance from her. He also masturbated in front of them. Afterwards, the guard put money in their pockets. Bernadette observed: "The other officers in the cafeteria must have known what was going on. We were in the bathroom for a long time and they would have noticed the two empty seats." She concluded: "The whole thing made me feel dirty. I had to see this guy every day."

Bernadette later discovered that she was pregnant by a male detainee. The couple would engage in consensual sex while in the PHS clinic. Bernadette reported that approximately 15 INS officers were aware that the couple was having sex, but did not intervene. Some officers teased her about the relationship, calling her by the male detainee's last name. Another officer told her that they would transfer her to a county jail until she delivered the baby and then return her to Krome. Bernadette reported that sexual relationships between male and female detainees were common and that officers enjoyed facilitating such liaisons or did so in return for sexual favors.

Bernadette told the Women's Commission that the stress caused by the treatment she received in Krome made her hair fall out. She concluded: "The INS has rules and policies, but they don't follow them. They treat us like animals. ... They degraded me so badly. ... We knew there were only two ways out of Krome, deportation or suicide. When you want your freedom so badly, you'll do desperate things."

Linda (a pseudonym), a Jamaican woman, spent six months in Krome. During that time, she witnessed what she described as "the arrogance and manipulation demonstrated by the guards." She also reported that other guards knew of the abuses that were happening but pretended that they did not know. She said: "Women were often promised release. It was clearly offered in exchange for sex." She reported that male officers would regularly visit the women's dorm late at night after the lights were turned off.

One night, she witnessed a detainee get up from bed and walk with a male officer to the other side of the dorm, where women asylum seekers were housed. They remained there for approximately half an hour. The detainee in question told other detainees that she was in love with the guard and that he was in love with her. Linda observed, "The guards should be setting an example, not entertaining relationships."

In another incident, she learned that a supervisory officer had told a detainee that if she had sex with him he would stop her deportation. This followed a prior incident in which a guard had kissed and groped the woman. The detainee in question attempted suicide by taking 45 pills she got from the infirmary.⁷³ In a subsequent interview, she said:

“They lied to me. He said, ‘I’m going to make sure that you get out.’ I let them do whatever they want to do because I thought they were going to help me.”⁷⁴

Linda and another woman who had also witnessed abuses decided to come forward and file a complaint. The complaint was referred to the INS Office of Internal Audit and the OIG. Within two weeks, several officers were removed from the facility. Linda, however, reported that her own situation in Krome became uncomfortable. She said: “The word spread that we had complained. The other guards began to stare at me and whisper.” She said that an officer threatened to retaliate against the family of one of the other women who had complained about him.

Ironically, Linda reported that their complaints actually made life at Krome more difficult for all of the women detainees. She said that outdoor recreation and attending meals in the cafeteria became compulsory, even if a woman did not feel well. Outdoor recreation was particularly hard on pregnant women, as the outdoor recreation field offers little shade and summer temperatures and humidity are extremely high.

Linda concluded her interview by saying: “Something good must come out of this. I’m glad that I came forward. Otherwise, the abuse could go on forever.” She also observed: “All the outside delegations who visit Krome look at the physical structure ... and they make us clean up. But the real problem is the personal relations. Don’t paint an ugly picture pretty just to leave an impression.”

WITNESSES INCARCERATED IN MAXIMUM SECURITY FEDERAL PRISON BEFORE GRAND JURY APPEARANCE

The INS’s treatment of women who filed complaints against INS officers implicated in the sexual abuse varied considerably, but demonstrated a disturbing lack of concern for the safety of the women. Women repeatedly reported abuses at Krome. Weeks before any formal investigation began they spoke with a number of officers, including INS lieutenants and captains based at Krome. They also sent a letter to Attorney General Janet Reno in May and contacted the OIG before a formal investigation was underway. They spoke at length with OIG officials and sent a second let-

ter to the Attorney General on June 29, 2000.⁷⁵

Some of the women were actually deported before the OIG, FBI, or U.S. Attorneys Office had a chance to interview them.⁷⁶ Some of the women were transferred to county jails and were thus cut off from their attorneys and families. Some of the women were finally released pending the investigation, but were forced to remain in Krome in the interim.⁷⁷ Those who remained at Krome were subject to harassment and threats to their safety. At the time of the Women’s Commission’s September visit, at least one woman who reportedly was the most involved in the sexual abuse was still in Krome.

After Ana and Maria reported what they had witnessed to supervisory officers at Krome, they feared retaliation, a fear that was soon realized. Despite requests from their attorney that the two women be released and the fact that other witnesses had already been released, the INS delayed for several weeks and instead transferred them to the Federal Detention Center (FDC), a maximum security facility in downtown Miami used for the pre-trial detention of individuals convicted of federal offenses and material witnesses to federal crimes. The officers who processed Maria and Ana for the transfer did not explain to them where they were being taken. They were handcuffed, shackled and chained while moved.

Once at the FDC, it took several hours to process them. While they were waiting in the processing area, they watched as INS officer Lemar Smith was released on bond. They were terrified when they spotted him. As Smith walked by, he said, “Hi ladies, why are you here?”

Maria and Ana were then split up and placed in segregation. The FDC warden later told the temporary officer-in-charge of Krome that “it was for their own safety,” even though the women had not raised complaints about any employee or inmate at the FDC. The operations lieutenant at FDC told the women’s attorney that the women were taken to FDC under orders from the INS and FBI and had been identified as “material witnesses.” The U.S. Attorneys Office told the women’s attorney that he had no idea the women were being transferred to FDC and he had not identified them as material witnesses at that point.⁷⁸ It remained unclear which agency was in charge.

Maria and Ana remained in isolation for 12 and 13 days respectively. During this time, Maria was not allowed to use a telephone to contact either her attorney or family. Ana was able to make one brief phone call to her mother only because she had a phone card that worked at the facility. The women were deprived of outdoor exercise. They were given inadequate toiletries and were denied both shampoo and combs (they were not allowed to comb their hair before appearing before the grand jury after 10 days in isolation). They had to beg for a change of clothes. During processing, the FDC officers took away the medication that had been provided to Maria by the PHS clinic at Krome for a hyperthyroid condition. She had to plead with the officers to replace it, and was given only a few days' supply.

The women's placement in the FDC also interfered with their ability to consult with their attorney. The attorney was forced to wait for as long as three hours to consult with her clients. The day before their grand jury appearance, the facility was shut down entirely to outside visitors. When the attorney was able to see the women, they were brought to the attorney visitation room in handcuffs.

The Women's Commission delegation experienced similar delays when trying to visit the women. Clearance procedures for access were cumbersome, even with proof of bar membership. One delegate was a member of the New York State bar, which does not issue bar cards. She experienced particular trouble persuading FDC guards to admit her, even though she had proof of membership in the New York Bar Association, a private organization that admits only attorneys as members. After almost two hours of waiting for clearance, the delegation was finally admitted but only had one hour with the women before visitation hours were over. During most of that time, the only contact visitation room was being used by another attorney, so the delegation and the women's attorney were forced to consult with the two women through the bars of adjoining cells.

Maria and Ana's attorney requested that the women be released from prison or be taken out of segregation at the very least. Despite repeated promises from the U.S. Attorneys Office that the women would be moved to a regular cell, the women continued to languish in isolation.

In response to a query from the INS to the FDC as

to why the women were being held in isolation, the warden responded that they were in "protective housing" and that they were therefore supposed to have access to family visits and phone calls. In fact, Maria's family attempted to visit her and was turned away twice, once after waiting three hours, on the basis that she was housed in the Special Housing Unit. After intervention by a FIAC attorney, the family was finally allowed to see Maria on its third attempt.⁷⁹ Maria had told the Women's Commission that she feared being returned to Colombia without ever having the opportunity to say good-bye to her loved ones.

The warden justified placement of the women in the Special Housing Unit by noting that FDC guards knew Krome guards. The implication that the women might be threatened by FDC guards calls into question why the INS had placed the women at the FDC in the first place. After the women appeared before the grand jury and were returned to FDC, an officer at FDC asked Maria if they had testified against any federal officers and to name the officers they had testified against.

When the Women's Commission interviewed Maria and Ana at the FDC, they told the delegation that they were suffering from insomnia, depression and anxiety. Ana said: "I cry every five minutes. I cooperated with the government and this is what I get? This is punishment." Maria agreed: "We're the ones being treated like major criminals. My biggest fear is that the guards here might know that we complained at Krome. We're so isolated in here."

After this visit and the women's appearance before the grand jury, Maria was deported to Colombia. She had requested removal and abandoned her asylum claim, because she could no longer tolerate the stress of detention and the threats and punishment in the aftermath of the investigation. She told the Women's Commission, "If I had the energy, I would keep fighting." She said that she would stay in Colombia only long enough to obtain a passport and then would seek asylum in Europe. Ana was transferred back to Krome where she spent a sleepless night before finally being released.

VERBAL AND PHYSICAL ABUSE OF DETAINEES

Women detainees interviewed by the Women's Commission, both asylum seekers and non-asylum

seekers, also raised concerns about verbal, physical and emotional abuse of detainees. Due to language barriers, asylum seekers may be particularly vulnerable to such abuse.

Chi (a pseudonym), an asylum seeker from China, arrived in the United States when she was 17 years old. According to her attorney, Chi fled China because her grandfather wanted to sell her into slavery to the nephew of a local police officer. The grandfather locked her up for a month and her “suitor” would come visit her. Her mother helped her to escape.

Chi arrived in Los Angeles, where she was apprehended by the INS. The INS arranged for a dental radiograph exam to be conducted on her, a procedure utilized by the agency when they doubt the age of a youth.⁸⁰ When the exam showed that she was under age 18, she was placed in a juvenile jail, Los Padrinos. The INS frequently houses minors in such correctional facilities because it lacks adequate shelter and foster care placements to accommodate the number of children in its custody on any given day. Chi remained in the jail for one month before she was transferred to Miami.

Because she was under 18, Chi was initially housed in the Boystown shelter. Chi preferred Boystown over Los Padrinos because she had more freedom there. At Boystown, she said, the staff asked her questions about her family in the United States and said that she might be released to them. On her 18th birthday, however, the INS transferred her to Krome where she was placed in the female dormitory. The INS did not explain to her where she was being taken. Chi, however, said that she knew that she was being transferred to Krome because she had seen similar transfers of other youth on their 18th birthdays.⁸¹

When the Women’s Commission visited Chi at Krome, she was visibly frightened and had a difficult time sharing her story with the delegation. Her eyes filled with tears when she described arriving at Krome. She said, “When I arrived, I was afraid and I did not know anyone.” She told the delegation that no one explained the rules of the facility to her in Chinese. She explained: “When I first arrived at Krome, I was not used to it. I cried a lot.” She could only communicate when there were other Chinese women in the dormitory.

When asked about the guards, she asked, “Will I get in trouble if I talk to you?” She then said that the guards discriminate against the Chinese. She said that they yell at the Chinese in an aggressive manner. She said: “They don’t use our names. They just shout at us all, calling us ‘China, China.’” She concluded, “I’m afraid of the guards who shout.” Chi also noted that sometimes male guards come into the female dorm late at night, but she was not sure why.

Marta (a pseudonym) is an asylum seeker from Guatemala. She was a forensics investigator and archeologist with the Guatemala Truth Commission and was assigned to look at sexual violence against women. In 1988, she reports that she herself was drugged, kidnapped, tortured and raped repeatedly by members of the Guatemalan military. After she shared her own story with the Truth Commission, she received death threats and was kidnapped. When she fled her country, Marta was apprehended by the INS at the Miami Airport, because it was discovered that she had overstayed her tourist visa on a prior visit to the United States by two days.

Marta reported that when she was taken to Krome it reminded her of her kidnapping in Guatemala. She said, “There were lots of people in uniform and I didn’t know where I was being taken.” She noted in an affidavit, “...[W]hile at the Miami airport, the small authorities that handled my case made me feel fear and gave me the treatment that you would only expect in a Soviet country or from SS officers in the time of World War II.” Despite Marta’s strong asylum claim, Miami Airport officials told her she was crazy to ask for asylum and harassed and intimidated her.

Marta also reported that these abuses continued once she was at Krome. She told the Women’s Commission: “The guards at Krome are horribly rude. They used to scream at me. They would refer to me by my country and my A [Alien] number but not my name.” She noted: “The women who are more attractive get better treatment by the guards. Some women will give sex for favors. Shortly after I arrived at Krome, I saw some women being called to processing. They always seemed to get more shampoo and other things.”

Marta also reported the terror of seeing fellow detainees packed up and moved out in the middle of the night. She said: “You never knew what

would happen the next day. You would see your friend deported in the middle of the night.”

Marta concluded the affidavit on her treatment at Krome by noting: “It is unavoidable at Krome to be in constant fear, behind locked doors, guards with radios, so many different orders, the unknown of your next stage, being with inmates of so many different backgrounds--cultural, moral, ethical--the sadness, the worrying, the anger, the fear that is present in everyone secluded there became contagious. It is a hard time, with only the hope that in this country justice prevails and human rights are a strong issue.”

Reports of abusive behavior toward asylum seekers were also confirmed by the other women interviewed. Dora is from Mexico. She spent two and a half years in detention, part of the time in Krome and part of the time in the Fort Lauderdale City Jail, before she was granted a motion to reopen her case by the Board of Immigration Appeals under the Violence Against Women Act (VAWA). Dora was a victim of frequent physical attacks by her husband, a permanent resident of the United States. Her husband turned her into the INS after she bit him to escape from him during a violent attack. Dora lacked status in the United States, a situation not uncommon among battered immigrant spouses who remain dependent on their U.S. citizen or lawful permanent resident husbands who can apply to legalize their status, but refuse in order to keep them under their control. VAWA offers relief from deportation for such women if they are spouses of U.S. citizens or lawful permanent residents and they can demonstrate that they were battered or subjected to extreme cruelty, that they are of good moral character and that their removal from the United States would cause them extreme hardship.⁸²

Dora’s prolonged detention caused her particular anguish. While she was imprisoned, her 8-year-old daughter was placed with the abuser by the authorities. The stepfather sexually and physically abused the child. The child was then placed with a family far from Krome. Dora was not able to see her daughter for over a year. During Dora’s detention, her daughter had to face the trauma that resulted from the physical and sexual abuse by her stepfather alone and without her mother. The child was diagnosed with Post Traumatic Stress Disorder. A psychological report of the child indi-

cates: “[The child’s] symptoms include but are not limited to depressed mood, crying, isolation, withdrawing from previously gratifying activities, feeling like she is out of her body. ... Nightmares are also prevalent for this child and a common theme is someone trying to hurt her mother.”⁸³

Dora says that she suffered sexual harassment from criminal inmates with whom she was commingled in the Fort Lauderdale City Jail. She said, “They touch you sexually.” She also reported that she was hit by a prison guard for not responding fast enough to a question that he asked her.

Dora also shared the story of a Hungarian woman who was pregnant when detained at Krome. The woman was experiencing mental health problems but not receiving adequate mental health care. She refused to bathe. Dora reported that the INS officers told the woman that “she smelled bad.” They then cut her hair and bathed her by force. She fought back. Five male officers were called in to control her. Despite her pregnancy, she was thrown to the floor on her stomach. She was later removed from Krome to have her baby, but was returned to the facility without the infant.

Maria witnessed a Somali woman who was wearing her veil when she was brought to the cafeteria. An INS officer ordered her to remove the veil, telling her, “If you don’t take it off, you don’t eat.” The woman refused to remove her veil and began to cry. Maria said, “The guard turned red and said you can’t come in here like that.” He then forced her to wait outside the cafeteria and forego eating while the others ate. This reportedly went on for four days before a female guard told the other guard that he was violating the woman’s religious beliefs.

Maria also reported that a group of women asylum seekers had filed a written complaint against a guard who refused to turn the lights off one night and played her radio loudly after hours while the women were trying to sleep. The guard found out that the women had complained. The next day, while they were in recreation, they were approached by two male guards who ordered the women to go back to their dorm (14A) and then told them that because they had complained, even if they passed their credible fear interviews they would not be released and would be investigated. Maria reported: “The asylum seekers were petrified. I told them to tell their lawyer, but they said

that they couldn't say anything or they would not pass their credible fear interviews and they would be sent home."

ABUSES AT KROME CORROBORATED BY INS OFFICERS

Detainees report that most officers who work at Krome are in fact conscientious about their jobs. Many officers demonstrate a respect for the rights and needs of detainees. Some in fact have themselves spoken out against abuses at Krome. Ana observed, "For all the bad officers, there are some good ones."

Women who experienced abuses report that some of the women officers in particular expressed concern about the abuses that were occurring. Some of these officers encouraged the women to file grievances.

Two male officers who have left their positions at Krome have publicly condemned conditions at the facility and the behavior of some of their fellow officers. They themselves felt that their safety was in danger at Krome. One officer filed a grievance that was supposed to be confidential but was leaked to some of the officers about whom he had raised concerns.

Antonio Aquino, who was given a leave of absence from Krome but was recently ordered to return to duty, has said that he had reported misconduct, including sexual relationships with women detainees, to his superiors for nine years but nothing was done to follow up.⁸⁴ Mr. Aquino observed: "What's stopped this from getting revealed is that the people are deported. If you don't have a complainant, you don't have a case. These people should be given some type of protective custody until a proper investigation can be completed."⁸⁵

Mr. Aquino told the Women's Commission that he failed to report to Krome as ordered, because he feared for the safety of his family and himself. He concluded: "Somebody higher up has to take responsibility for Krome. There's been 19 years of this. But despite my complaints, nobody asked me at any time what was going on."

Nelson Miegs, who worked as a supervisory officer at Krome for five years, publicly denounced abuses that he witnessed in Krome in December 1996. He

reported women being raped by INS officers, an officer who solicited sex from a male detainee's girlfriend in exchange for her boyfriend's release, an older detainee having oral sex with a 16-year-old Colombian boy who was held in a dorm with adult men and an officer having sex with a woman detainee in the medical clinic.⁸⁶

Mr. Miegs also left Krome, stating in 1996, "I fear for my life and for my wife's." At the time, an INS Miami District spokesperson told the media: "We've had disciplinary problems with him in the past. ... The only thing I can say is that he says we're the bad guys in the movie and we say that it's not true."⁸⁷ (Mr. Miegs denied that he had a disciplinary record).

This response from the INS is ironic at best given that similar allegations are emerging once again and are this time resulting in grand jury convictions against at least two Krome officials. Perhaps if the grievances raised by concerned officers in past years had been followed up on by the INS leadership at the time, some of the abuses that have occurred more recently could have been prevented.

ACCESS TO COUNSEL

The immigration bar has repeatedly complained about difficulties they experience in obtaining access to clients detained at Krome.

Attorney/client visitation space is inadequate. One booth is specifically set aside for pro bono attorneys working with FIAC and the Catholic Legal Immigration Network, Inc., an essential resource that took years of pressuring the INS to obtain. In 1999, FIAC alone helped 825 asylum seekers prepare for their credible fear interviews.

However, only three other booths are available to other attorneys. These booths are much too small, especially when an attorney must utilize the services of an interpreter to interview a client. Often, there are no chairs available, further adding to the discomfort of the attorney and interpreter.

Particularly disturbing, however, is the lack of privacy for attorney consultations. The Women's Commission delegation stood outside the attorney visitation rooms for several minutes during its September visit and could clearly hear the conversation between an attorney and his client. They were discussing sensitive medical information.

In March, while the Women's Commission delegation was interviewing a detainee, the door in the back of the booth was left ajar with a guard posted immediately outside within earshot. During an interview with a detained asylum seeker in September, the Women's Commission was interrupted by an INS officer who walked into the visitation room, disregarding the fact that an interview was in progress. The detainee was in the middle of describing abuses by guards, clearly information of a confidential nature.

When the facility is overcrowded, these problems are further exacerbated. Attorneys with Fiac have reported that it is not uncommon to wait two to three hours for an INS deportation officer to produce a client when an attorney asks to see him or her. Such long waits have a tremendous deterrent effect on obtaining the assistance of a pro bono lawyer.⁸⁸

A law library is available to detainees, although the Women's Commission delegation did not have time to conduct a thorough inventory of the collection. Two computers were set up in the library. The temporary officer-in-charge at Krome in September indicated that he plans to improve the library facility and hoped to provide four to six more computers with additional on-line legal research services.⁸⁹

Women, however, are given less access to the law library than are men. They are allowed one and a half hours in the library each day, while men are allotted three and a half hours.⁹⁰

PAROLE POLICY

The INS Headquarters in Washington, D.C. has issued directives to its field offices affirming that release from detention is the preferred option for asylum seekers who have established that they have a credible fear of persecution under the expedited removal system.⁹¹ Credible fear interviews are conducted by INS asylum officers, with review of a negative credible fear interview available before an immigration judge. During this period, a person is subject to detention with release allowed only for medical emergencies or for legitimate law enforcement objectives.⁹² The credible fear screening process generally takes anywhere from a few days to a few weeks.

Despite these directives, parole rates for asylum seekers vary widely from INS district to district.⁹³

Miami has one of the most generous parole rates in the country, with asylum seekers being held for an average of 26 days.⁹⁴ The more recent experience of Fiac has been that release may happen as quickly as within 10 to 14 days of apprehension.⁹⁵ This represents a significant improvement over the Miami District's policy immediately after implementation of expedited removal began in 1997, when parole was rare and those asylum seekers who were released had to pay \$5,000 bonds.⁹⁶

The recent increase in release rates in Miami, however, was not based on an assessment that the detention of asylum seekers is unnecessary or inappropriate. Rather, the officer-in-charge at Krome in March told the Women's Commission that it was a decision based on concerns about overcrowding at the facility. As the number of "criminal aliens" subject to mandatory detention increased, it was decided that one way to alleviate the problem was to release asylum seekers as quickly as possible. Mr. Stubbs conceded, "We're doing it based on the crush on bed space."

Mr. Stubbs also expressed concern that the release of asylum seekers would act as a magnet for "illegal immigration," a characterization that ignores the fact that asylum seekers are exercising their right to seek refugee protection. He stated, "It seems to me that two weeks in detention is a small price to pay to go free on the streets of America." The fact that parole is based on space concerns rather than a consideration of the necessity or desirability of detaining asylum seekers left open the possibility that if there were a change in personnel at Krome (which has since proven to be the case), or a decrease in the number of arrivals in Miami, asylum seekers might once again be subject to prolonged detention.

In a second policy reversal for the district, Mr. Stubbs reported that the Miami District was no longer transferring asylum seekers who were awaiting an outcome on their cases to county prisons across the state of Florida. In April 1997, an Amnesty International mission found that asylum seekers were regularly being moved to criminal facilities where they often spent months in detention.⁹⁷ County prisons used by the Miami INS District are scattered across the state. Detainees and attorneys alike decry these transfers as detainees often end up five hours or more from their legal service provider and families and are housed in highly inappropriate and sometimes unhealthy con-

ditions. Women are often commingled with criminal inmates in high security facilities.⁹⁸

At the time of the Women's Commission's visit to Krome in March 2000, legal service providers were expressing appreciation for the relatively generous parole policy in the district. Asylum seekers who are released are significantly more likely to win their asylum claims than those who remain in detention.⁹⁹ They are also better positioned to begin the transition to life in the United States if granted asylum.

However, the Women's Commission interviewed two women asylum seekers who had not qualified for release due to legal technicalities raised by their cases. Their detention had lasted for months despite the fact that there was no real practical difference between their circumstances and those of other asylum seekers.

Teresa is a 46-year-old woman from Colombia, a country that has suffered a civil conflict that has lasted for decades and has escalated dramatically in recent months. She originally entered the United States on a tourist visa. After a brief trip back to Colombia, upon her return to the United States she was stopped by the INS at the Miami airport and detained at Krome. The INS had determined that she had worked while in the country on a tourist visa, a violation of the Immigration and Nationality Act. Teresa, however, said she feared returning to Colombia because the guerrilla forces were forcibly recruiting her teenage son and she feared for his life.

Teresa passed her credible fear interview, at which point in Miami most asylum seekers are considered for parole. Because of her visa violation, however, the immigration judge ordered her to pay a \$5,000 bond, which she could not afford. As a result, she had endured seven months of detention in Krome. She said, "It is impossible for me to get that kind of money when I am in here." She later wrote in a letter to the Women's Commission, "I worry about my elderly mother and my children as they depend on me to support them." Because she was in detention, Teresa was also having a difficult time obtaining the services of a lawyer to help her with her asylum case. At the time of this report, Teresa had fortunately managed to pay the bond and had been released from detention.

Chi, the young Chinese girl who was originally

detained in the Los Padrinos juvenile jail in Los Angeles and then the Boystown shelter in Miami before she "aged out" of the minor's program and was moved to Krome, had been in Krome for almost two months. The INS thus far had refused to release her from detention, because she had never gone through a credible fear interview.

This decision represents a perverse sort of logic: children have been exempted from expedited removal by the INS in recognition of their lack of capacity to handle such a streamlined process.¹⁰⁰ In Chi's case, however, her exemption from expedited removal was acting against her and resulting in prolonged detention.

It was unclear why the INS had not conducted a credible fear interview with Chi solely for purposes of determining her eligibility for release. Such interviews are still available under the Asylum Pre-Screening Officer Program (APSO), a release policy adopted by the INS in 1992 that has largely fallen into disuse, partly due to enactment of IIRIRA, but has never been revoked by the INS.¹⁰¹ In response to a request from Chi's attorney for parole, her deportation officer responded, "Let's just see what happens at her removal hearing." At the time of this report, her attorney was waiting for a decision from the immigration court.

During the Women's Commission's interview with Chi, she began to cry when explaining how hard it was to see other asylum seekers, including other Chinese women, released while she remained in detention. This discrepancy in release policy for someone who entered as a minor seems particularly hard to justify, given the trauma caused to youth who are transferred to adult facilities.

Dora also shared the story of two young Chinese women asylum seekers who had spent two to three months in Krome. They had passed their credible fear interviews but for some reason had not been released. Dora reported that finally one day the two women were called to processing. The women assumed that they were being released and were very happy. Less than an hour later, however, the women were returned to the dorm. The INS made them change into red uniforms and placed them in the dorm with women with criminal convictions. The women were very upset and began to cry. Later that week, the INS admitted to the women that it had made a mistake and released them from detention.

Moreover, after the Women's Commission's visit in March, attorneys representing asylum seekers reported a disturbing new trend. In several cases, asylum seekers were transferred to county jails, in direct contradiction of Mr. Stubbs's stated policy of not transferring asylum seekers to such facilities. This included at least six Somali women and a Yugoslavian woman who had not yet even gone through their credible fear interviews. They were transferred, moreover, out of the state of Florida entirely to either the York County Prison in Pennsylvania or the New Orleans Parish Prison (NOPP), both facilities in which the Women's Commission has documented serious problems.¹⁰²

One attorney whose clients were transferred reported that the INS deportation officers handling the cases were evasive when she tried to find out why and to where her clients had been moved. She was finally told that one had been moved due to construction at Krome and one had been moved due to the threat of fires in the Everglades (begging the question why all detainees were not moved if the threat of fire was so significant).¹⁰³

The attorney was able to speak only briefly to her clients who were transferred to the NOPP just prior to their credible fear interviews. An officer cut her phone conversation with them short. They passed their screenings, but were not released for several weeks as they were required to pay a bond of \$1,500 each, which their families and friends had a difficult time obtaining.

The attorney was never able to speak to her Yugoslavian client who was moved to the York County Prison before her credible fear interview. The asylum officer left her a voice mail message just before the interview was scheduled to start. When she called back, she was unable to get through to the officer. Fortunately, the woman passed her interview.

Ana was transferred with the Somali women to the NOPP. The INS did not explain to the women where they were being taken. The women were frightened and confused.

Ana reported that the women were also subjected to callous and inhumane treatment when they arrived at the prison. Prison guards ordered the Somali women to unveil, a violation of their religious beliefs. When the women refused, the guards knocked them to the floor and tried to forcibly

unveil them. An INS officer finally intervened and stopped the guards.

Ana also said that the NOPP guards would frequently force the Somali women to strip. They were cavity searched, an act which Ana believed was motivated more by the guards' desire to harass the women than by security concerns.

TRANSLATION ASSISTANCE

Like most detention centers, Krome houses a diverse population representing many languages. Mr. Stubbs observed, "At times, this place is a Tower of Babel." While bridging language barriers is obviously critical to the smooth operation of the facility and the safety of detainees, Krome has few in-person interpretation services available. Detainees who cannot speak English or a common language such as Spanish are therefore linguistically isolated. Their inability to communicate also means that they are less likely to be familiar with the facility rules. It also makes it difficult to access medical care and other services.

As described above, Chi was visibly upset when she described her arrival at Krome. She indicated that no one explained the facility rules to her in either English or a Chinese dialect.

The lack of ability to communicate also appears to lead to intimidation of women asylum seekers. Many of the women reported being yelled at in an abusive manner by guards in English. Maria noted: "The asylum seekers don't understand the rules or that there is a grievance process to complain about the guards. They have an awful fear of everything."

MEALS

Women reported that the cafeteria was the place in which some of the sexual harassment of women detainees took place. As reported above, a male officer used the bathroom located off the cafeteria to engage two women in a sexual act. Women reported that it was also in the cafeteria in which a woman detainee met a male detainee with whom she engaged in consensual sex, resulting in a pregnancy. The man was employed in the cafeteria.

Philip Baglio, the INS Director of Operations at Krome, told the Women's Commission in March that Krome was "a darn good facility" in terms of

the meals it served. He said that the menu was not driven by caloric requirements as is the case in many prison facilities, but rather by financial concerns. However, he pointed out that many of the foods preferred by the detainees are actually relatively inexpensive, such as rice, beans and chicken. In fact, detainees generally did not express concern over the quality of the food they were served at Krome.

Detainees did raise complaints about the way in which meals were structured, however. Detainees reported that if you are at the end of the food line in the cafeteria, there is inadequate time to eat and you have to throw away whatever food is left. When asked about how much time a detainee is given to eat her meal, Mr. Stubbs responded, “We comply with the ACA [American Correctional Association] standard, which is 20 minutes, but we move them through and we’re all business.”

Unlike many prisons and detention centers, Krome does not have a commissary. Detainees have some access to vending machines. The temporary officer-in-charge indicated that he is looking into establishing a commissary at the facility.¹⁰⁴

RECREATION AND EDUCATIONAL OPPORTUNITIES

Outdoor exercise at Krome takes place on a large empty field. There are no trees and little shade is available. Temperatures and humidity can be extremely high. The facility offers exercise classes to the women.

Some of the women interviewed by the Women’s Commission complained that women are discriminated against and receive less recreation and outdoor time than the male detainees. In September, women interviewed also complained that after the allegations of sexual abuse surfaced, the INS placed strict restrictions on the women, including mandatory participation in recreation and meal times. They noted that forcing pregnant women in particular to participate in outdoor recreation time was difficult on such women due to the heat and humidity. Bernadette noted: “After I got pregnant, they forced me to go outside. There were lots of mosquitoes also, so they would spray. The smell made me feel sick.”

There is a small collection of books available to the women in their dormitory. However, most of

the books are in English. In a subsequent meeting with the temporary officer-in-charge in September, he indicated that he would welcome donations of reading materials from outside organizations. FIAC noted that in the past when a local Chinese organization tried to donate books, they were rejected.¹⁰⁵

In March, Mr. Stubbs indicated that Miami-Dade County offers very limited English classes “to a small cadre of detainees.” There were no continuing education classes for detainees. Chi told the Women’s Commission that if she were released, her goal was to continue her education. Dora also indicated a desire to learn. She said: “My two and a half years in Krome were dead years. We had no school, no nothing. I might have at least been able to learn English.” The temporary officer-in-charge indicated that he would try to establish such classes, which are available in other facilities utilized or run by the INS.

SPIRITUAL SUPPORT

According to Mr. Stubbs, services representing various religions are offered five days a week.¹⁰⁶ At the time of the Women’s Commission’s first visit in March, a chapel was under construction.

In contrast to most correctional facilities, but like most Service Processing Centers and INS contract facilities, Krome lacks a chaplain to coordinate and oversee a program to ensure that detainees’ spiritual needs are met. Mr. Stubbs indicated, “I would love to have a chaplain.”

VISITATION AND TELEPHONE ACCESS

Prior to Mr. Stubbs assuming the head position at Krome, family members were only allowed to visit their detained family members on the weekends and on holidays. Under his leadership, visiting hours were also set up on Tuesdays and Thursdays. Detainees are allowed visits on two out of the four visitation days, depending on which letter of the alphabet their last names begin with. Letters A-M can receive visitors on Tuesdays and Saturdays and Letters N-Z can receive visitors on Thursdays and Sundays. Visits last for one hour.

However, FIAC has reported that visitation hours are now subject to curtailment and may be cut back to half an hour. During head counts, visits

may also be cut short. Family members also complain that they are forced to wait in the sun before they are allowed to see their family member, sometimes for long periods. Finally, detainees are subject to strip searches after family visits.

Family visits are supervised by INS officers. Bernadette told the Women's Commission that because one of the officers would harass her during her family visits that "family visits became too hard for me." Bernadette indicated that the guard would stand behind her family while she was trying to talk with them and lick his lips and wink at her.

There are five phones available in Dorm 14A where women asylum seekers are housed. In March the Women's Commission tested all five phones and found them working. Detainees, complained, however, that sometimes the phones were broken. William Cleary, temporary officer-in-charge of Krome, admitted to the delegation in September that there are sometimes problems with the telephones.¹⁰⁷

The telephones were programmed to make free calls to pro bono legal service providers, a relatively recent requirement in Service Processing Centers under detention standards developed by INS headquarters in consultation with the American Bar Association. However, the telephones are close together, offering little privacy to detainees who are consulting their attorneys.

For other phone calls, detainees are required to use a phone card. Detainees complain that the calling cards are expensive. Chi indicated that she paid \$10-12 for a card, but that it only allowed her to speak with her family in China for 10 minutes. Detainees can make collect calls, but if the party they are calling has voice mail, they cannot get through.

Marta reported that she was deterred from making phone calls from Krome. She explained in an affidavit: "At Krome I felt like a criminal. I had to buy phone cards to be able to call my friends. When I used the card to make the call, the first thing that was said was 'this is a call from a jail.' I felt completely humiliated. It also says this call is being taped and subject to investigation. So I was afraid because I did not want to scare my children in Guatemala. Why is it that people in fear of their lives because of political crimes in their home countries are treated like criminals in America?"

HEALTH CARE AND HYGIENE

Medical care in the Krome facility is provided by the PHS, a division of the U.S. Department of Health and Human Services. PHS maintains a medical clinic on site at the facility, which is staffed by two physicians, two physician's assistants, three registered nurses, one pharmacist, one dentist and various technicians.¹⁰⁸ The doctor on duty at the time of the Women's Commission's visit in March stated that there were no women doctors on staff, but that women detainees could consult with a female physician's assistant if they chose.

In-person translation services are not available in the clinic. Staff instead rely on telephonic interpretation via AT&T, a potentially alienating experience for patients reporting sensitive information. The doctor who conducted the Women's Commission's tour of the clinic also indicated that the clinic planned to start using "tele-psych" services, in which a psychiatrist would be available to detainees by telephone.

The PHS clinic at Krome has been a source of tremendous controversy over the years. Conditions have frequently been described as unsanitary and unsafe. Negligent medical care has reportedly been provided to detainees with serious and even life-threatening illnesses. Medications have been wrongly prescribed or withheld.¹⁰⁹ PHS staff have reportedly been callous and disrespectful toward detainees.¹¹⁰

Since April 1999, the PHS clinic has been closed for renovations, and is providing ambulatory care only. The renovations include adding more patient rooms to ensure privacy, adding a mental health unit separate from the infirmary and improving and updating equipment.

To the surprise of many in the immigrant and immigrant advocacy community in Miami, however, the National Commission on Correctional Health Care (NCCCHC) awarded Krome its 1999 Facility of the Year award. Advocates questioned whether the facility truly deserved the award and noted that the NCCCHC had failed to talk to detainees and advocates in its evaluation of the facility.¹¹²

In its interviews with former detainees, the Women's Commission learned of several disturbing cases in which women were denied adequate medical or mental health care. Dora reported that

one young Korean asylum seeker had been detained for about six weeks but could not raise the \$15,000 bond set for her release. Depressed about her detention, the woman tried to hang herself with a bed sheet in the bathroom. Her friend had to save her.

Dora also reported that a Colombian asylum seeker became very ill soon after her detention began. She had already passed her credible fear interview. The INS took her to the emergency room at a local hospital, where she was diagnosed with a stomach tumor. Despite how sick she felt, the INS handcuffed and shackled her on the way to the hospital. She was then chained to the hospital bed. When the woman asked the INS officers who were guarding her to remove the chains, she reported that they responded with abusive language. She also reported that when her family tried to visit her in the hospital, the INS denied that she was there. Dora reported that the woman was so traumatized by this experience that she said that she would rather die than go back to the hospital.

Also of concern is the fact that the women's access to the medical clinic is more restricted than that of the men, as the hours are divided by gender and there are more men detained at Krome than women. However, the result is that women are often forced to wait for medical care even when they are quite ill. This discrepancy seems particularly ironic given that women involved in sexual relationships with officers or male detainees reportedly used the clinic facilities to meet, calling into question how effective the INS's attempts to keep the women and men apart really are.

CONCLUSIONS AND RECOMMENDATIONS

For years, the INS has failed to exercise adequate control over the Krome Service Processing Center. As a result, human rights abuses, especially against women, have gone unchecked. Some Krome personnel have demonstrated a disturbing lack of both respect for the human dignity of the detainees in their care and professionalism in their jobs.

The Women's Commission offers the following recommendations:

- o The INS must immediately regain control of Krome. Strong measures must be taken to ensure that staff who have participated in illegal and unethical behavior are either criminally prosecuted or subject to appropriate disciplinary actions, including dismissal.
- o Officers against whom complaints have been lodged must immediately be relieved of their duties at Krome and prevented from having contact with detainees pending an investigation of their involvement in abuses.
- o Steps must be taken to ensure that staff who continue to work at Krome understand that violations of the rights of detainees will not be tolerated. Accountability must be built in at every level of the INS from frontline staff working directly with detainees, to administrators at Krome, to the Miami District office, to the Eastern Regional INS office which oversees the Miami District, to the headquarters of the INS in Washington, D.C.
- o The INS must also take steps to support and reward Krome personnel who are doing their jobs well. This includes ensuring that staff who step forward to report abuses are supported, so that such staff do not feel that their own safety or job security are threatened.

It is inhumane and unnecessary to detain asylum seekers who have demonstrated a credible fear of persecution. The Miami District in recent years had begun to release asylum seekers from detention. However, in recent months, there have been cases in which women asylum seekers have instead been transferred to county prisons, reflecting the fact that the Miami District's release policy is based more on a concern about bed space in

Krome than about the particular merits of an individual's case. County prisons are highly inappropriate for asylum seekers. Asylum seekers incarcerated in such facilities are cut off from legal service providers and other support and suffer harsh and punitive conditions.

The Women's Commission offers the following recommendations:

- o The INS must ensure that asylum seekers who demonstrate a credible fear of persecution are quickly released from detention. The move toward expeditious release of asylum seekers in the Miami District should be strengthened and made permanent.
- o Asylum seekers should never be incarcerated in correctional facilities.
- o Parole decisions for asylum seekers should not be driven by bed space concerns.

Women detainees especially have suffered at Krome. Sexual abuses have been rampant. Physical and verbal abuses are also regularly reported. Officers have preyed on the women's vulnerable immigration status with impunity.

The Women's Commission offers the following recommendations:

- o The INS must always favor release of asylum seekers over detention.
- o For those women who cannot be paroled, the INS must move quickly to develop an alternative site for detaining women.
- o County prisons and hotels, however, are not acceptable alternatives to Krome. Women are equally vulnerable to abuses in such facilities, as the INS has exercised inadequate oversight over facilities with which it has contracted and legal service providers who can assist the women have difficulty obtaining access to such facilities.
- o Any alternative site should offer the least restrictive setting possible and be readily accessible to pro bono legal service providers and other attorneys.
- o Services that are available to male detainees must be made equally available to women detainees, including access to health care and the law library.

The INS failed to protect adequately women who raised complaints of sexual, physical and verbal abuse at Krome. Confidential grievance procedures were not in place. Women who came forward suffered further abuses as a result, including continued detention at Krome after it was clear that their complaints were widely known by officers and other detainees, or transfer to correctional facilities. Some women were deported, thus cutting off a potentially critical source of evidence to support prosecution or disciplinary actions against officers involved.

The Women's Commission offers the following recommendations:

- o The INS must develop and implement confidential grievance procedures on which detainees can rely to report abuses they may have experienced or witnessed.
- o The INS must develop procedures to ensure that detainees who report abuses are protected from retaliation or further abuse by other officers or detainees.
- o The INS should develop a civilian oversight committee to assist in the investigation of allegations of misconduct.

The chronic problems experienced at Krome are at least partly attributable to inadequate and inconsistent staffing. This has included appointment of temporary officers-in-charge for years at a time.

The Women's Commission offers the following recommendations:

- o The INS must move quickly to appoint a permanent officer-in-charge who has a demonstrated professional record as a capable manager. The new head must also have a demonstrated commitment to the protection of human rights and women's rights.
- o The officer-in-charge at Krome must have the full support of the INS leadership at all levels in his or her efforts to improve the facility.
- o All staff at Krome should be adequately trained. Protection must be guaranteed for those who make complaints.

Individuals who arrive in the United States when they are under age 18 are often automatically transferred to adult detention centers when they turn 18. In such facilities, they may be commingled

with criminal inmates or individuals who are subject to removal from the United States due to criminal offenses. Youth who experience such transfers typically express fear and suffer depression.

The Women's Commission offers the following recommendations:

- o The INS should refrain from transferring youth who turn 18 to adult detention centers. As with all children and adolescents, the INS should favor parole of minors who turn 18.
- o For those youth between ages 18 and 21 for whom detention is deemed necessary, the INS must develop transitional housing in the least secure setting possible, so that young people do not suffer the trauma of transfer to adult detention centers where they may be particularly vulnerable to abuses due to their young age.

While Krome is often viewed as a national litmus test for INS detention policies and programs, it is not the only detention center that has demonstrated poor conditions and a lack of respect for detainees. Across the country, INS detention centers and facilities with which the agency has contracted for detention space have frequently been cited for such problems. To date, however, the INS has failed to adequately centralize and monitor its detention program. Too much of the INS's detention authority is delegated to its district offices.

The Women's Commission offers the following recommendations:

- o INS headquarters must retain management of and vigorously exercise oversight over detention centers.
- o Authority to make parole decisions for asylum seekers should be shifted to an objective decision making body. At the very least, the INS should shift such decisions from its district offices to the asylum corps.

INS detention has grown too quickly for the agency to exercise adequate control and oversight. While the agency has often interpreted detention provisions under IIRIRA in the most restrictive manner possible, Congress shares responsibility for a detention policy that is overly broad and inhumane. Detention also represents an extraordinary expense to U.S. taxpayers.

The Women's Commission offers the following recommendations:

- o Congress must redress the detention provisions of IIRIRA and restore a state of rationality and respect for human rights to U.S. detention policy.
- o Congress must statutorily mandate a parole policy for asylum seekers to ensure that U.S. detention policy complies with international law and a basic sense of compassion toward individuals forced to flee their homelands to escape war and human rights abuses.
- o Congress must shift the authority to make parole decisions away from the INS to an objective decision making body, such as the Executive Office for Immigration Review.

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Finally, the Women's Commission pays special respect to the many women who are currently in detention in Krome or have been detained at Krome. This most especially includes those women who demonstrated the courage to speak out against the rampant abuses now being revealed in the facility. Without their resolve, such abuses would most certainly have remained unchecked. We also thank those Krome staff who have supported these women by acknowledging that such abuses have indeed happened.

ENDNOTES:

¹ For a comprehensive report on the repercussions of expedited removal on asylum seekers, see Karen Musalo, Lauren Gibson, Stephen Knight and J. Edward Taylor, "Report on the First Three Years of Expedited Removal," Center for Human Rights and International Justice, University of California, Hastings College of Law (May 2000).

² In the course of its Detention and Asylum Project, the Women's Commission has issued the following reports. "Protecting the Rights of Children: The Need for U.S. Children's Asylum Guidelines" (December 1998); "Forgotten Prisoners: A Follow-Up Report on Refugee Women Incarcerated in York County, Pennsylvania" (July 1998); "Liberty Denied: Women Seeking Asylum Imprisoned in the United States" (April 1997); "Preliminary Findings of Delegation to Kern County Lerdo Detention Center, Bakersfield, California" (December 1996); "An Uncertain Future, a Cruel Present: Women in INS Detention" (September 1995); "A Cry for Help: Chinese Women in INS Detention" (March 1995).

³ "The Needless Detention of Immigrants in the United States," Catholic Legal Immigration Network, Inc., p. 2 (August 2000).

⁴ Alfredo Chardy, "INS Detainees Surge in U.S.," Miami Herald (September 12, 2000).

⁵ "Strengthening the Nation's Immigration System," Executive Summary of the President's Fiscal 2001 Immigration Budget (February 7, 2000).

⁶ Alisa Solomon, "A Dream Detained," The Village Voice (March 24-30, 1999).

⁷ See FY 1999 Omnibus Consolidated and Emergency Supplemental Appropriations Act (Public Law 105-277), sec. 903-904.

⁸ The Illegal Immigration and Immigrant Responsibility Act of 1996 (Public Law 104-208), 110 Statutes at Large 3009 (September 30, 1996).

⁹ Memorandum from INS Executive Associate Commissioner for Field Operations, "Expedited Removal: Additional Policy Guidance," (December 30, 1997) (stating that parole is a viable option for aliens who have met the credible fear standard); Memorandum from INS Executive Associate Commissioner for Field Operations, "Detention Guidelines," (October 9, 1998) (stating that it is INS policy to favor release of aliens

who have been found to have a credible fear of persecution).

¹⁰ See “Testing Community Supervision for the INS: An Evaluation of the Appearance Assistance Program,” Vera Institute of Justice (June 7, 2000) (finding that most asylum seekers appear for their immigration court hearings if released from detention and that most ultimately win their asylum cases).

¹¹ The Women’s Commission has documented many cases of prolonged detention in the course of its Detention and Asylum Project. A recent and striking case that received extensive public attention was that of Adelaide Abankwah who fled female genital mutilation in her homeland of Ghana. Ms. Abankwah suffered more than two years in INS detention before she was finally granted asylum by the federal Second Court of Appeals. *Abankwah v. INS*, 185 Federal Reporter, 3rd ed. 18 (2nd Circuit, 1999).

¹² “Questions and Answers Regarding INS Detention Facilities,” Office of Field Operations, Immigration and Naturalization Service (October 2, 1998).

¹³ See “Locked Away: Immigration Detainees in Jails in United States,” Human Rights Watch, p. 17 (September 1998).

¹⁴ See, e.g., Letter from Christina DeConcini, American Bar Association, to John O’Malley, Detention and Deportation, Immigration and Naturalization Service (June 21, 2000) (outlining concerns regarding draft standards for legal access to non-INS facilities).

¹⁵ Universal Declaration of Human Rights, 71 U.N. Doc. A/810 (1948).

¹⁶ International Covenant on Civil and Political Rights, UN General Assembly Resolution 2200 A (XXI) (December 16, 1966) (entered into force March 23, 1976).

¹⁷ “UNHCR’s Guidelines on Applicable Criteria and Standards Relating to the Detention of Asylum Seekers,” UN High Commissioner for Refugees (February 10, 1999).

¹⁸ Letter to Doris Meissner, Commissioner, Immigration and Naturalization Service, from Rene Van Rooyan, Representative, UNHCR Branch Office to the United States (March 4, 1993).

¹⁹ “UNHCR Opposes U.S. Policy of Detaining Refugees and Asylum Seekers,” UNHCR News Release (February 22, 1999).

²⁰ John M. Goshko, “INS Rejects U.N. Suggestion on Jailing Refugees,” *Washington Post*, p. A12 (February 23, 1999).

²¹ United Nations Protocol Relating to the Status of Refugees, 606 UN Treaty Series 267 (opened for signature January 31, 1967); United Nations Convention Relating to the Status of Refugees, 189 UN Treaty Series 137 (opened for signature July 28, 1951).

²² United Nations Convention Relating to the Status of Refugees, art. 1.

²³ *Ibid.*, art. 33(1)

²⁴ *Ibid.*, art. 31(1).

²⁵ *Ibid.*, art. 31(2).

²⁶ The Refugee Act of 1980, (Public Law 96-212), 94 Statutes at Large 103 (1980).

²⁷ Memorandum from Phyllis Coven, Immigration and Naturalization Service, “Considerations for Asylum Officers Adjudicating Claims from Women,” (May 25, 1995), reprinted in 72 *Interpreter Releases* 771 (June 5, 1995); see also Deborah Anker, Nancy Kelly and John Willshire-Carrera, “The BIA’s New Asylum Jurisprudence and Its Relevance for Women’s Claims,” 73 *Interpreter Releases* 1173 (September 9, 1996).

²⁸ *Matter of R-A-*, Interim Decision 3403, Board of Immigration Appeals (1999); see also Karen Musalo, “*Matter of R-A-*: An Analysis of the Decision and Its Implications,” 76 *Interpreter Releases* 1177 (August 5, 1999).

²⁹ Cheryl Little and Joan Friedland, “Krome’s Invisible Prisoners: Cycles of Abuse and Neglect,” p. 1 (July 1996).

³⁰ See, e.g., Andres Viglucci, “Krome Detainee Accuses Guards of Assault,” *Miami Herald*, p. 2B (February 24, 1996) (reporting that a Nigerian detainee was beaten by INS guards at Krome and then transferred to a county prison in retaliation for speaking out about abuses in the facility); Tom Dubocq, “Guard at Krome Admits to Beating,” *Miami Herald*, p. 1B (January 5, 1996) (reporting indictment of INS guard for beating of a Haitian detainee in Krome in 1993).

³¹ Carol Rosenberg, “INS Officials to be Grilled on Cover-up of Krome Crowding,” *Miami Herald*, p. 3A (September 12, 1996); Carol Rosenberg, “INS Discipline Under Review in Alleged Coverup,” *Miami Herald*, p. 2B (August 6, 1996); Carol Rosenberg, “Justice Department Report Details INS Deception at Krome,” *Miami Herald*, p. 1A (June 29, 1996); Eric Schmitt, “Immigration Aides

Deceived Lawmakers, Inquiry Finds,” *The New York Times*, p. A14 (June 21, 1996); Andres Viglucci, “INS Accused of Deceiving Fact-Finders, Investigator: Krome Hid Overcrowding,” *Miami Herald*, p. 1A (June 21, 1996).

³² See Michael Bromwich, “Alleged Deception of Congress: The Congressional Task Force on Immigration Reform’s Fact-Finding Visit to the Miami District of INS in June 1995,” Office of the Inspector General (June 1996); see also Cheryl Little and Joan Friedland, “Krome’s Invisible Prisoners: Cycles of Abuse and Neglect” (July 1996).

³³ Letter to Cheryl Little, Florida Immigrant Advocacy Center, from Commissioner Doris Meissner, Immigration and Naturalization Service (May 14, 1999), reprinted in Cheryl Little and Joan Friedland, “Cries for Help: Medical Care at Krome Service Processing Center and Florida’s County Jails,” Florida Immigrant Advocacy Center (December 1999) (noting that the “INS has placed a high priority and focus toward [Krome] and improvements are paying dividends.”).

³⁴ Andres Viglucci, “Inside Krome: Ending Years of Abuse is a Daunting Task,” *Miami Herald* (February 28, 1999).

³⁵ Andres Viglucci, “Krome Detention Center to Get Overhaul,” *The Miami Herald*, p. 1B (November 28, 1998).

³⁶ Andres Viglucci, “Top Official at Krome Steps Down,” *Miami Herald*, p. 1B (July 7, 2000).

³⁷ Interview with Edward Stubbs, Officer-in-Charge, Krome Service Processing Center, Immigration and Naturalization Service.

³⁸ Michael Bromwich, “Alleged Deception of Congress: The Congressional Task Force on Immigration Reform’s Fact-finding Visit to the Miami District on INS in June 1995,” Office of the Inspector General (June 1996) (Citing capacity at 226); Interview with William Cleary, temporary Officer-in-Charge, Krome Service Processing Center, Immigration and Naturalization Service (September 2000) (citing capacity at 538).

³⁹ “Detention Center at Capacity,” *Florida Today*, p. 6B (October 18, 1999); Andres Viglucci, “Immigration Law Packs Detainees Into Krome,” *Miami Herald*, p. 1A (October 17, 1999).

⁴⁰ Interview with Cheryl Little, Esq., Executive Director, Florida Immigrant Advocacy Center.

⁴¹ *Id.*

⁴² Interview with William Cleary, temporary

Officer-in-Charge, Krome Service Processing Center, Immigration and Naturalization Service (September 2000).

⁴³ Cheryl Little and Joan Friedland, “Krome’s Invisible Prisoners: Cycles of Abuse and Neglect,” p. 1 (July 1996).

⁴⁴ Memorandum from Detention Enforcement Officers, Krome SPC, to Supervisory Detention Officers through Chain of Command, “Women and Minors Housed in Processing,” Immigration and Naturalization Service (August 9, 1998).

⁴⁵ “Lost in the Labyrinth: Detention of Asylum Seekers,” Amnesty International (September 1999).

⁴⁶ Andres Viglucci, “Krome Detention Center to Get Overhaul,” *The Miami Herald*, p. 1B (November 28, 1998).

⁴⁷ Krome Stakeholders Meeting, Minutes from Meeting of November 10, 1998, compiled by the secretary to Edward Stubbs, Officer-in-Charge, Krome Service Processing Center.

⁴⁸ Interview with Edward Stubbs, Officer-in-Charge, Krome Service Processing Center (March 2000).

⁴⁹ Yves Colon, “INS Frees 3 Krome Detainees for Safety,” *The Miami Herald*, p. 1A (August 26, 2000).

⁵⁰ Yves Colon, “Federal Inquiries Targeting Krome,” *The Miami Herald*, p. 1A (August 17, 2000); see also Yves Colon, “INS Frees 3 Krome Detainees for Safety,” *Miami Herald*, p. 1A (August 26, 2000).

⁵¹ Interview with Cheryl Little, Esq., Executive Director, Florida Immigrant Advocacy Center.

⁵² *Id.*

⁵³ This report is based on a statement taken by the Florida Immigrant Advocacy Center. See also, Mark Dow, “Our Daily Ordeal is Going Unnoticed: Cries for Help from Krome” (August 1998).

⁵⁴ Signed statement of “Sara,” August 7, 1998.

⁵⁵ Letter to Robert Wallis, Miami District Director, Immigration and Naturalization Service from Cheryl Little, Executive Director, Florida Immigrant Advocacy Center (July 20, 1998).

⁵⁶ Interview with Cheryl Little, Esq., Florida Immigrant Advocacy Center.

⁵⁷ In June 2000, both the Women’s Commission and the Florida Immigrant Advocacy Center sent letters to Attorney General Janet Reno urging her

to assign the FBI and the U.S. Attorneys Office to the investigation to reinforce an already ongoing investigation by the Office of the Inspector General.

⁵⁸ Yves Colon, "Federal Inquiries Targeting Krome," *Miami Herald*, p. 1A (August 17, 2000).

⁵⁹ Jody A. Benjamin, "Krome Guard Indicted on Charge of Raping Immigrant in Detention Center," *Sun-Sentinel* (Web-posted September 1, 2000); Jody A. Benjamin, "Lack of Oversight Blamed for Krome Center Woes," *Miami Sun Sentinel* (September 2, 2000); "Krome Worker Charged with Taking Bribe," *Miami Herald*, p. 3B (September 8, 2000).

⁶⁰ Jody A. Benjamin, "Krome Guard Indicted on Charge of Raping Immigrant in Detention Center," *Sun-Sentinel* (Web-posted September 1, 2000).

⁶¹ Interview with Cheryl Little, Esq., Florida Immigrant Advocacy Center; see also Jody A. Benjamin, "Guard: Krome Center Has Ignored Complaints," *Sun-Sentinel*, p. 1B (August 27, 2000). Several women interviewed by the Women's Commission confirmed that officers who had been implicated in sexual misconduct remained on duty at Krome.

⁶² The details of this case are based largely on reports that have appeared in the media. See: Yves Colon, "For Transsexual at Krome, Life Became a Nightmare," *Miami Herald*, p. 1A (September 7, 2000), "Government intensifying Krome inquiry," *Miami Herald*, p. 1A (September 2, 2000); "Miami INS guard gets bond in transsexual sexual assault case," *Naples Daily News* (September 2, 2000); Jody Benjamin, "Krome guard indicted on charge of raping immigrant in detention center," *Sun-Sentinel* (September 1, 2000).

⁶³ The real names of women who have reported abuses are only used in this report when they have already been revealed publicly in the media. Otherwise, the Women's Commission has chosen to protect the women's identity by using pseudonyms.

⁶⁴ Yves Colon, "For Transsexual at Krome, Life Became a Nightmare," *Miami Herald*, p. 1A (September 7, 2000).

⁶⁵ Andres Viglucci, "Sexual Misdeeds Reported at Krome," *Miami Herald*, p. 1B (May 27, 2000).

⁶⁶ *Id.*

⁶⁷ Yves Colon, "For Transsexual at Krome, Life Became a Nightmare," *Miami Herald*, p. 1A

(September 7, 2000).

⁶⁸ Yves Colon, "Government Intensifying Krome Inquiry," *Miami Herald*, p. 1A (September 2, 2000).

⁶⁹ Jody A. Benjamin, "Krome Guard Indicted on Charge of Raping Immigrant in Detention Center," *Sun-Sentinel* (Web-posted September 1, 2000).

⁷⁰ "Miami INS Guard Gets Bond in Transsexual Sexual Assault Case," *Naples Daily News* (September 2, 2000).

⁷¹ See U.S. Department of State, "1999 Country Reports on Human Rights Practices," (February 25, 2000), and "A Charade of Concern: The Abandonment of Colombia's Forcibly Displaced," Women's Commission for Refugee Women and Children (May 1999).

⁷² "A Cry for Help: Chinese Women in INS Detention," Women's Commission for Refugee Women and Children (March 1995).

⁷³ Jody A. Benjamin, "Krome Detainee Says She Was Promised Freedom in Exchange for Sex," *Sun-Sentinel*, p. 1B (August 3, 2000).

⁷⁴ *Id.*

⁷⁵ Letter sent to Attorney General Janet Reno, June 29, 2000, signed by five women complaining about the behavior of federal detention officers and requesting an investigation.

⁷⁶ Jody A. Benjamin, "Guard: Krome Center Has Ignored Complaints," *Sun-Sentinel*, p. 1B (August 27, 2000).

⁷⁷ *Id.* See also, Yves Colon, "INS Frees 3 Krome Detainees for Safety," *Miami Herald*, p. 1A (August 26, 2000).

⁷⁸ Interview with Cheryl Little, Esq., Florida Immigrant Advocacy Center.

⁷⁹ Letter to Patrick White, Office of the U.S. Attorney, from Cheryl Little and Joan Friedland, Florida Immigrant Advocacy Center (September 11, 2000).

⁸⁰ The Women's Commission and other organizations have repeatedly raised concerns with the INS regarding the accuracy of such exams, which frequently lead to the detention of minors in adult facilities. Dental experts have questioned the use of such exams. See Letter to Women's Commission for Refugee Women and Children from Herbert H. Frommer, DDS, New York University College of Dentistry (August 7, 1997) (stating that it is impossible to reach an exact judgment whether an

individual is above or below the age of 18 based on dental radiographs).

⁸¹ Other cases of young people being transferred to Krome have been reported. In March 2000, the INS transferred Jama Abdul-Khare Abshir, a Somali teenager who fled civil war in his homeland, from Boystown to Krome after a dental radiograph supposedly showed that he was above age 18. He was told by an INS officer, “We’re going to put you with the big boys now.” Interview with Cheryl Little, Esq., Joan Friedland, Esq. and Chris Kleiser, Esq., Florida Immigrant Advocacy Center. See also Susana Barciela, “An Incredible INS v. a Truthful Teen,” *Miami Herald*, p. 9B (March 10, 2000).

⁸² Violence Against Women Act of 1994, (Public Law 103-322) 108 Statutes at Large 1902; see also Gail Pendleton, “Immigration Relief for Noncitizens Suffering Domestic Violence,” 1998-99 Immigration & Nationality Law Handbook, vol. II, American Immigration Lawyers Association (1998).

⁸³ Press Release, “Board of Immigration Appeals Grants Motion to Reopen to Mexican National, Victim of Abuse under Violence Against Women Act,” Florida Immigrant Advocacy Center (February 28, 2000).

⁸⁴ Jody A. Benjamin, “Guard: Krome Center Has Ignored Complaints,” *Sun-Sentinel*, p. 1B (August 27, 2000).

⁸⁵ *Id.*

⁸⁶ Mabell Dieppa, “INS Agent Denounces Abuses at Krome,” *El Nuevo Herald* (December 15, 1996).

⁸⁷ *Id.*

⁸⁸ See Elizabeth Amon, “A 1996 Statute is Driving Lawyers Away from Detention Cases,” *The National Law Journal* (September 12, 2000).

⁸⁹ Interview with William Cleary, temporary Officer-in-Charge, Krome Service Processing Center, Immigration and Naturalization Service (September 2000).

⁹⁰ “Recreation,” Immigration and Naturalization Service (March 2000) (copy of handout provided to the Women’s Commission by the INS).

⁹¹ Memorandum from INS Executive Associate Commissioner for Field Operations, “Expedited Removal: Additional Policy Guidance,” (December 30, 1997) (stating that parole is a viable option for aliens who have met the credible fear standard); Memorandum from INS Executive

Associate Commissioner for Field Operations, “Detention Guidelines,” (October 9, 1998) (stating that it is INS policy to favor release of aliens who have been found to have a credible fear of persecution).

⁹² 8 Code of Federal Regulations, sec. 235.3(b)(2)(iii).

⁹³ Karen Musalo, Lauren Gibson, Stephen Knight and J. Edward Taylor, “Report on the First Three Years of Implementation of Expedited Removal,” p. 70, Center for Human Rights and International Justice, University of California, Hastings College of Law (May 2000).

⁹⁴ *Id.*

⁹⁵ Interview with Boris Wijkstrom, Esq., Florida Immigrant Advocacy Center.

⁹⁶ “Refugees Behind Bars: The Imprisonment of Asylum Seekers in the Wake of the 1996 Immigration Act,” Lawyers Committee for Human Rights, p. 30 (August 1999).

⁹⁷ See “Lost in the Labyrinth: Detention of Asylum Seekers,” Amnesty International (July 1999).

⁹⁸ For a complete overview of INS’s use of Florida county prisons, see Cheryl Little and Joan Friedland, “Florida County Jails: INS’s Secret Detention World,” Florida Immigrant Advocacy Center (November 1997); see also Letter to Doris Meissner, Immigration and Naturalization Service, from Cheryl Little and Joan Friedland, Florida Immigrant Advocacy Center (November 26, 1996) (outlining concerns about county prisons in Florida used to detain asylum seekers and others).

⁹⁹ “The State of Asylum Representation: Ideas for Change,” Institute for the Study of International Migration, Georgetown University (May 2000).

¹⁰⁰ Memorandum from Office of Programs, Immigration and Naturalization Service, “Unaccompanied Minors Subject to Expedited Removal” (August 21, 1997) (ordering minors to be placed in removal proceedings under section 240 of the Immigration and Nationality Act rather than placed in expedited removal).

¹⁰¹ See “Refugees Behind Bars: The Imprisonment of Asylum Seekers in the Wake of the 1996 Immigration Act,” Lawyers Committee for Human Rights, p. 24 (August 1999); Arthur Helton, “A Rational Release Policy for Refugees: Reinvigorating the APSO Program,” 75 Interpreter Releases 685 (May 18, 1998).

¹⁰² “An Uncertain Future, A Cruel Present: Women in INS Detention,” Women’s Commission for

Refugee Women and Children (September 1995) (reporting on delegation to York and Berks County Prisons in Pennsylvania); “A Cry for Help: Chinese Women in INS Detention,” Women’s Commission for Refugee Women and Children (March 1995) (reporting on delegation to New Orleans Parish Prison and Hancock County Justice Facility).

¹⁰³ Interview with Barbara Kamali, Esq.

¹⁰⁴ Interview with William Cleary, temporary Officer-in-Charge, Krome Service Processing Center, Immigration and Naturalization Service (September 2000).

¹⁰⁵ Interview with Joan Friedland, Esq., Florida Immigrant Advocacy Center.

¹⁰⁶ “Recreation,” Immigration and Naturalization Service (March 2000) (copy of handout provided to the Women’s Commission by the INS which indicates services provided on different nights by Baptist representative, Catholic representative, Elim Missionary Assemblies and The Chinese Apostolate).

¹⁰⁷ Interview with William Cleary, temporary Officer-in-Charge, Krome Service Processing Center, Immigration and Naturalization Service (September 8, 2000).

¹⁰⁸ Cheryl Little and Joan Friedland, “Cries for Help: Medical Care at Krome Service Processing Center and in Florida’s County Jails,” Florida Immigrant Advocacy Center, p. 7 (December 1999).

¹⁰⁹ At the time of the Women’s Commission’s visit to Krome in March, the doctor on duty reported that the facility was currently housing 20 detainees who were HIV-positive. This is troubling given that sexual activity appears common in the facility and detainees are not provided with any means of protection against contracting the disease.

¹¹⁰ For a thorough discussion of medical care at Krome, see “Cries for Help: Medical Care at Krome Service Processing Center and in Florida’s County Jails,” Florida Immigrant Advocacy Center, p. 7 (December 1999).

¹¹¹ Id.

¹¹² Ibid., p. 2. See also, Jody A. Benjamin, “Krome Center in Eye of Storm, Medical Service Wins Praise, Enrages Immigration Group,” Sun-Sentinel, p. 1A (November 15, 1999).