



ACLU Files Emergency Lawsuit to Give Detained Immigrants in Oregon Access to Lawyers

Government Refusal to Allow Attorneys to Advise Detainees is Unconstitutional

FOR IMMEDIATE RELEASE
June 22, 2018

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PORTLAND, Ore. -- The Trump administration is incarcerating over a hundred civil immigration detainees at a federal prison in Sheridan, Oregon. Since early June, the detainees have been held in near complete isolation and have been denied access to attorneys, prevented from communicating with their families, and held in cells for up to 23 hours per day. Immigration and Customs Enforcement (ICE) and the federal Bureau of Prisons (BOP) have prevented the detained men from seeing or calling pro bono lawyers who wanted to give them legal advice on handling their immigration cases. Many of those held include individuals subject to the administration's "zero-tolerance" policies, under which they were forcibly separated from their families, including their children.

Early this morning, the American Civil Liberties Foundation of Oregon filed an emergency lawsuit to put an immediate end to the unconstitutional denial of attorney access to the detainees housed in the Sheridan prison. The emergency lawsuit asks that officials be forced to drop all actions that prevent attorneys from visiting or communicating with immigration detainees at the Sheridan prison.

These actions preventing attorney-client meetings by ICE and BOP officials violate the Fifth Amendment's Due Process Clause, the First Amendment, the Administrative Procedures Act, and the Immigration, Nationality Act, and federal detention standards.

"Incarcerating immigrants in a federal prison is a highly unusual move and unprecedented for Oregon," said Mat dos Santos, legal director at the ACLU of Oregon. "Denying these men access to counsel--at a time that they need it most to prepare for interviews with immigration officials or appearing before an immigration judge--is as outrageous as it is unconstitutional. For an asylum seeker, this could mean the difference between life and death."

The plaintiffs in the lawsuit, filed in U.S. District Court in Portland, include the Innovation Law Lab, a non-profit dedicated to upholding the rights of immigrants and refugees that is based in Oregon. Pro bono attorneys with the Innovation Law Lab attempting to visit the detainees were turned away from the Sheridan prison even though they followed prescribed procedures.

"I'd like to echo the words of Senator Wyden: As Oregonians, we could have worked this out,"

said Stephen Manning, executive director of Innovation Law Lab. “We have worked with our local DHS partners for many years and we all believe in the rule of law. We know that, as Oregonians, we could have found ways to make this work to adhere to baseline values of fairness and process. But when Trump Administration policy makers decided, without notice, to use a federal prison for civil detention--a facility that is not intended or designed for civil detention--to force a rapid removal process through tiny slivers of access, our local choices and options shrank, and this clash of constitutional rights with the Trump policy was bound to happen.”

Another plaintiff is Luis Javier Sanchez Gonzalez, who appears in the case through his partner Xochitl Ramos Valencia, one of the detained immigrants being held at Sheridan prison. Sanchez Gonzalez and his partner have two young children, ages one and five. Their family was separated at the border when they sought asylum at a port of entry. Ramos Valencia has not been able to speak to her partner since they were separated and she says their children are wrecked with sadness since their father was ripped from them.

Legal assistance is essential for noncitizens trying to navigate the notoriously complicated immigration laws and regulations. The legal help is particularly critical for asylum seekers who face deportation to a country where they might be persecuted, tortured, or killed.

“Every person in this country has rights granted by the Constitution,” said Keith Ketterling, an attorney at Stoel Berne. “Access to legal representation is such a right. ICE has denied Stephen Manning and the Innovation Law Lab access to immigrant prisoners, such as Luis Javier Sanchez Gonzalez, who are seeking only their rights under the Constitution, nothing more. To the extent that we allow those rights to be trampled upon simply because a person is not a citizen, we open the door to similar denials of Constitutional rights for citizens also.”

The lawsuit mirrors a suit filed to allow attorney access to hundreds of detained immigrants at the federal prison in Victorville, California. Yesterday, the federal judge in that case [approved a temporary restraining order forcing government officials to give the Victorville detainees access to the legal help](#).

Attorneys on the case are Mat dos Santos and Kelly Simon for the ACLU of Oregon, and Keith Ketterling and Nadia Dahab with Stoll Berne, who are cooperating attorneys on the case on behalf of the ACLU of Oregon.

The lawsuit is online here https://aclu-or.org/sites/default/files/field_documents/innovation_law_lab_v_nielsen.pdf.

The motion for a temporary restraining order is here https://aclu-or.org/sites/default/files/field_documents/emergency_motion_tro.pdf.

The declarations from attorneys denied access to detained immigrants are here <https://aclu-or.org/en/cases/innovation-law-lab-et-al-v-nielsen-et-al>.

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