Grounds for Detention

Asylum seekers, victims of human trafficking, and veterans are among those Christina Fialho '06, J.D. '12 tries to help in her day-to-day work. All are detained immigrants.

BY KATIA SAVCHUK

ILLUSTRATIONS BY EDEL RODRIGUEZ

On a Friday afternoon in late October, **Christina Fialho '06, J.D. '12** stood in front of Adelanto Detention Facility, two hours northeast of Los Angeles. From the outside, the squat, khaki-colored building with terra-cotta tile over the entrance could be mistaken for a nursing home or office park. In front, three flags jutted into the sky at equal heights: one for the United States, one for California, and one depicting horizontal stripes of blue, white, and green with the word *GEO,* the *O* circling a globe—emblem of the country's largest private prison company.

Fialho mounted a wooden platform perched in a sandy lot across the road. A petite woman with piercing blue eyes and auburn hair, she wore a fitted black jacket, blue jeans, and cream-colored wedges. A low sun cast shadows in the surrounding desert shrubs. A cluster of reporters from the *Los Angeles Times, Rolling Stone,* CBS, and other outlets had come to town for a press conference Fialho had helped organize. They trained their cameras and tape recorders on her.

"Every day, people in our communities are disappearing and being imprisoned in these facilities," she began, her back to the prison. "They include asylum seekers, victims of human trafficking, legal permanent residents, and even veterans of our U.S. wars ... For example, GEO Group runs the largest adult immigrant prison in the country, right here in Adelanto."

Unfazed by the trucks rattling behind her, Fialho explained that the 1,700 or so immigrants held there were among 40,000 or so incarcerated nationwide. They weren't serving criminal sentences. They were locked up while fighting removal. "This has to end," she said, enunciating every word for emphasis.

At 34, Fialho has spent the last seven years fighting to abolish immigration detention, a system that locks up people awaiting decisions in immigration cases—not serving time for crimes—in jails and prisons. Because immigrants are technically in civil detention, unlike criminal defendants, they are not entitled to an attorney. Fialho's goal is to replace the system, which costs taxpayers billions of dollars a year, with community-based alternatives—and in the meantime, to improve conditions for those inside. As a law student at Santa Clara University, she started one of the country's first visitation programs for incarcerated immigrants. After graduating six years ago, she decided that, rather than become an immigration attorney, she would cofound CIVIC, which stands for Community Initiatives for Visiting Immigrants in Confinement. The nonprofit oversees the country's only network of visitation programs in detention facilities and operates the largest independent free hotline for detainees. CIVIC's on-the-ground presence has allowed the group to document abuses, file federal complaints, and push through legislative reforms. (The organization also just changed its name; more on that later.)

Adelanto has been a key battleground. In 2013, the prison temporarily shut down a newly launched visitation program two days after Fialho wrote an op-ed in the *Huffington Post* questioning oversight and training at private immigration detention facilities. The following year, CIVIC launched a campaign called "Defund Detention in Adelanto," arguing that the city of Adelanto focused on expanding private prisons at the expense of opening needed schools. Early on, some locals called Fialho a "terrorist" in online comments. But the campaign was successful: GEO Group and another large private prison company, Corrections Corporation of America (now known, ironically, as CoreCivic), abandoned plans to expand in Adelanto. Later, CIVIC publicized a hunger strike among twenty detainees calling for better medical care, food, and treatment, and CIVIC participated in a protest after three inmates died. In a report with Detention Watch Network in 2015, CIVIC documented cases of medical neglect, physical abuse, and religious freedom violations, including Muslim detainees who said they were barred from gathering for Friday prayers and were thrown in solitary confinement for praying quietly. Earlier in 2017, the organization filed a federal civil rights complaint noting that Adelanto was among the top five facilities where inmates reported sexual or physical assault, with one complaint for every 53 people.

Now Fialho was back in Adelanto. She had organized a press conference and concert with a pair of local immigrant rights groups, with two goals in mind. The first was lexical: to change the sanitized language used to describe facilities that incarcerate immigrants. She announced an online petition launched by two men who had been detained in private prisons: Sylvester Owino, who spent more than nine years behind bars while applying for asylum, and Carlos Hidalgo, who was imprisoned for a year and a half. Instead of referring to "detention facilities," "[we're] calling on news agencies to call these facilities what they really are: immigrant prisons," Fialho said.

Her second goal struck a more positive note: "I want to turn this into somewhat of a celebration right now to celebrate the passage of the Dignity Not Detention Act, which basically ends for-profit immigration detention expansion in California," she said. The law had been signed just a few weeks before.

Known as SB 29 and co-sponsored by CIVIC, the law is the first in the country to stop cities and counties from signing new contracts or expanding existing ones with for-profit prisons to detain immigrants. A few months earlier, CIVIC successfully lobbied for a provision in the state budget bill to bar municipalities from initiating or expanding contracts with U.S. Immigration and Customs Enforcement for immigration detention. The law also requires the state attorney general to audit public and private facilities housing immigrants.

The reforms were a major victory for CIVIC. At the press conference, Fialho invited Latin rock pioneer Ceci Bastida and members of Grammy-nominated hip-hop group Los Rakas to say a few words. Then came R&B superstar Miguel, wearing sunglasses and a silver, fur-trimmed trench coat. "I'm here to be educated more and hopefully help educate anyone who's paying attention," he said.

Later in the day, actress Dianne Guerrero sent in a video message expressing support. CIVIC had never attracted such high-profile supporters.

"This is really emotional for me," Fialho concluded. "When we started organizing against this facility, I could never have imagined all these people coming out to truly fight."

JUST VISITING

Fialho's interest in immigration started with her own family history. Her great-grandfather emigrated to Oakland, California, from Portugal after Congress passed legislation in 1958 welcoming refugees from an Azorean island devastated by a volcanic eruption. Her grandfather and father followed on family-based green cards. Her maternal grandfather emigrated from Madeira, a Portuguese island in the North Atlantic. Fialho grew up with her parents and brother in Oakland, Union City, and Arroyo Grande, a small town on the Central Coast.

It wasn't until college that she decided to make immigrant rights a career. At Santa Clara University, she double-majored in English and philosophy with an emphasis in law and was a student teacher in a course on medieval studies and theology foundations. In her first year as an undergrad, she began volunteering at the Julian Street Inn, a homeless shelter in San Jose, through the Santa Clara Community Action Program. She continued volunteering there as a sophomore through an Arrupe placement, under the aegis of the Ignatian Center for Jesuit Education, and cofounded a talent show for residents and university students. Through her work, she got to know a resident who was a refugee from Sri Lanka. He had been born in the same year as Fialho's father and had immigrated in the same year, but he had ended up in a homeless shelter, while her father had earned a business degree and started multiple companies. "That made a big impact on me," Fialho said. "I realized that the immigration system is not equal for everyone."

That experience inspired Fialho to spend a summer interning with Catholic Charities of Santa Clara's refugee resettlement program, also with support from a grant through SCU's Ignatian Center. She worked primarily with a woman who had fled civil war in Liberia. The UN Refugee Agency had approved the woman for resettlement to the U.S. but, inexplicably, not her teenaged children. Fialho helped the woman successfully trace her children through the American Red Cross and petition the UN to allow her children to join her. In Fialho's junior year, she won a scholarship to study at Oxford University, where she joined a student-led group that tutored immigrants from India and Pakistan in English.

In her last year at SCU, Fialho helped develop and teach a two-unit course called Ethics and Globalization as a Hackworth Fellow at the Markkula Center for Applied Ethics. "She was rightfully raising questions about the importance of engaging ethics with a constant awareness of the global context," notes **David DeCosse**, director of campus ethics programs, who worked with Fialho on the curriculum. "She has always had a gift of seeing ethics as something that matters to real human beings."

After graduating from college in 2006, Fialho was determined to become an immigration attorney. She got a job as a paralegal for an immigration defense firm and then worked for Upwardly Global, a San Francisco-based organization that helps highly skilled immigrants find jobs. In 2009, she started law school back at SCU. (Fialho met the man who became her husband, **J.P. Rose '06, J.D. '12**, when they were sophomores in college, and he enrolled at SCU's law school the same year. He is now a staff attorney at the nonprofit Center for Biological Diversity. Fialho's brother, **Erik Fialho '12**, graduated with a degree in economics and management from SCU.)

Fialho learned more about immigration detention in her first year of law school, while helping to plan a protest against **Janet Napolitano '79**, an alumna who had returned to speak in fall 2009 as secretary of Homeland Security, heading up the agency charged with overseeing immigration enforcement. While organizing the protest, Fialho met a young woman whose home had been raided by Immigration and Customs Enforcement. ICE agents had taken the woman's father, and she couldn't find him. He only called her after he had been deported, after signing a paper he didn't understand in a private prison.

"What happened to her was horrifying," Fialho said.

She began focusing on the issue full-force, founding the law school's chapter of the American Immigration Lawyers Association, organizing a speaker series on immigration detention at the law school, and spending a summer in Geneva, Switzerland, interning at the Global Detention Project.

Fialho also discovered that the United States hadn't always imprisoned immigrants en masse. Until the 1980s, relatively few immigrants were detained, with the exception of Ellis and Angel islands, and the internment of Japanese-Americans during World War II. The big change came in the 1980s, when two private prison companies formed: Corrections Corporation of America in 1983 and GEO Group in 1984. Thanks to aggressive lobbying and legislative changes, the population of detained immigrants expanded drastically during the Clinton administration in the 1990s, in tandem with a general expansion of mass incarceration. Congress hasn't attempted wide-ranging immigration reform since 1986.

She met a refugee from Sri Lanka born the same year as her refugee father. The man ended up in a homeless shelter, while her father started multiple companies.

The sheer number of detained immigrants—40,000 at any given time now—matters profoundly, notes SCU Professor of Law **David Bell**, who taught Fialho in law school and is co-chair of the American Bar Association's corrections committee. "You have a concentrated group of interests that make money from growing immigration detention: private prison companies and local jails administered by sheriffs," he notes. "On the other side, you have a politically disenfranchised group that literally can't vote and has few economic resources, as well as language barriers,

political access barriers, and fears about speaking up. Facilities are balancing their books by housing immigrants, so there's this perverse profit incentive."

As Fialho learned in 2009, the system often lacked transparency. No comprehensive public list of detention centers existed, and people on the outside had no easy way to find out where a loved one was held. The vast majority of detainees lacked attorneys, and the media wasn't focused on the issue.

By the time Fialho returned from Switzerland to begin her second year of law school, she was set on starting a formal visitation program for detained immigrants in the Bay Area. At the time, only three such programs existed in the country, and none were in California. The program wasn't for family members, who could come during regular visiting hours. Rather, community volunteers would provide a link to the outside world for those without contacts: connect people in immigration detention with critical services and keep tabs on any abuses. Through a national network of anti-detention advocates, Fialho discovered that Christina Mansfield, a graduate student in cultural anthropology at the California Institute of Integral Studies in San Francisco, had the same idea. Over Skype, the two hammered out their vision for launching a program at West County Detention Facility in Richmond, California—about an hour northeast of San Francisco, and the closest place that held immigrants. Fialho started volunteering in the facility with UC Davis Law School's immigrant rights clinic and helped run weekly "Know Your Rights" presentations. Nearly a year passed before ICE and county officials approved the visitation program.

The first detainee Fialho met confirmed her conviction that such programs were essential. She was a Brazilian woman in her thirties who had been trafficked into the United States and forced into prostitution in Oakland. After three years, she ran away from her captors; police found her, but because she had no documentation, they turned her over to ICE. She had been in jail for over a year. Fialho connected the woman with a pro bono attorney who ultimately helped her obtain a visa designated for victims of human trafficking. Fialho also helped the woman contact her daughter in Brazil and access services for human trafficking survivors. But her biggest contribution was just being there.

"There was a time she just wanted to be silent, and we just held our hands across the Plexiglas," Fialho said. "That need and human instinct to be connected with others is so much more visible in this system where people are isolated and completely disconnected from the world."

People around the country started reaching out to Fialho and Mansfield asking for advice about starting their own visitation programs. By the time Fialho graduated from law school in May 2012, programs had launched at 16 facilities. The women realized there was a need to form a national coalition to oversee the movement. Thanks to fellowships from Echoing Green, an organization that funds social entrepreneurs, Fialho and Mansfield launched CIVIC in July 2012.

She recognizes the immense need for lawyers in the system—where 84 percent of people are unrepresented. But she felt she could achieve systemic change by founding a national organization. "I could just see the power of these programs, not only in allowing for more coordinated community organizing but also in providing a place for people who aren't attorneys or policy wonks to effect change in the immigration detention system," she said.

Another change that came in 2013: Former Secretary of Homeland Security Janet Napolitano began serving as president of the University of California system—and quickly became a high-profile advocate for undocumented students. She convened a national summit on the issue and established a $5 million fund to assist undocumented students attending UC schools.

> "There was a time that she just wanted to be silent, and we just held our hands across the Plexiglas. That need ... to be connected with others ..."

ACROSS THE PLEXIGLAS

Two weeks before the Adelanto event, around lunchtime on October 6, six volunteers gathered in the lobby of the West County Detention Facility, a complex of beige, brick buildings perched on the shoreline above San Pablo Bay. Nearly 200 immigrants are detained in the minimum-security jail. The volunteers included five women and one man, all in their fifties or older, primarily retired professionals. Wearing "Hello, my name is" stickers, they stood around chatting or sat in '80s-style lumpy purple armchairs. They carried only notepads and information sheets; everything else had to be stashed in coin-operated lockers. Signs posted on the wall reminded visitors of the rules: *Shoes and shirts are mandatory. No jackets, shorts, or miniskirts. No gang clothing.*

Six years after Fialho founded CIVIC's first visitation program here, it is alive and well. Fialho, who now lives in Los Angeles, no longer runs the Richmond visitation program herself. Instead, Rebecca Merton, a young woman with blond hair pulled back in a messy bun, brings up to fifteen volunteers to the medium-security jail for a one-and-a-half-hour visit each Friday. The volunteers include a fair share of retired people, but also students, members of faith communities, and even former detainees. Before volunteering, everyone must sit through a jail-run safety presentation that warns against developing a "friendly sympathetic relationship" with inmates, who "want you to see them as a ... 'regular person.'"

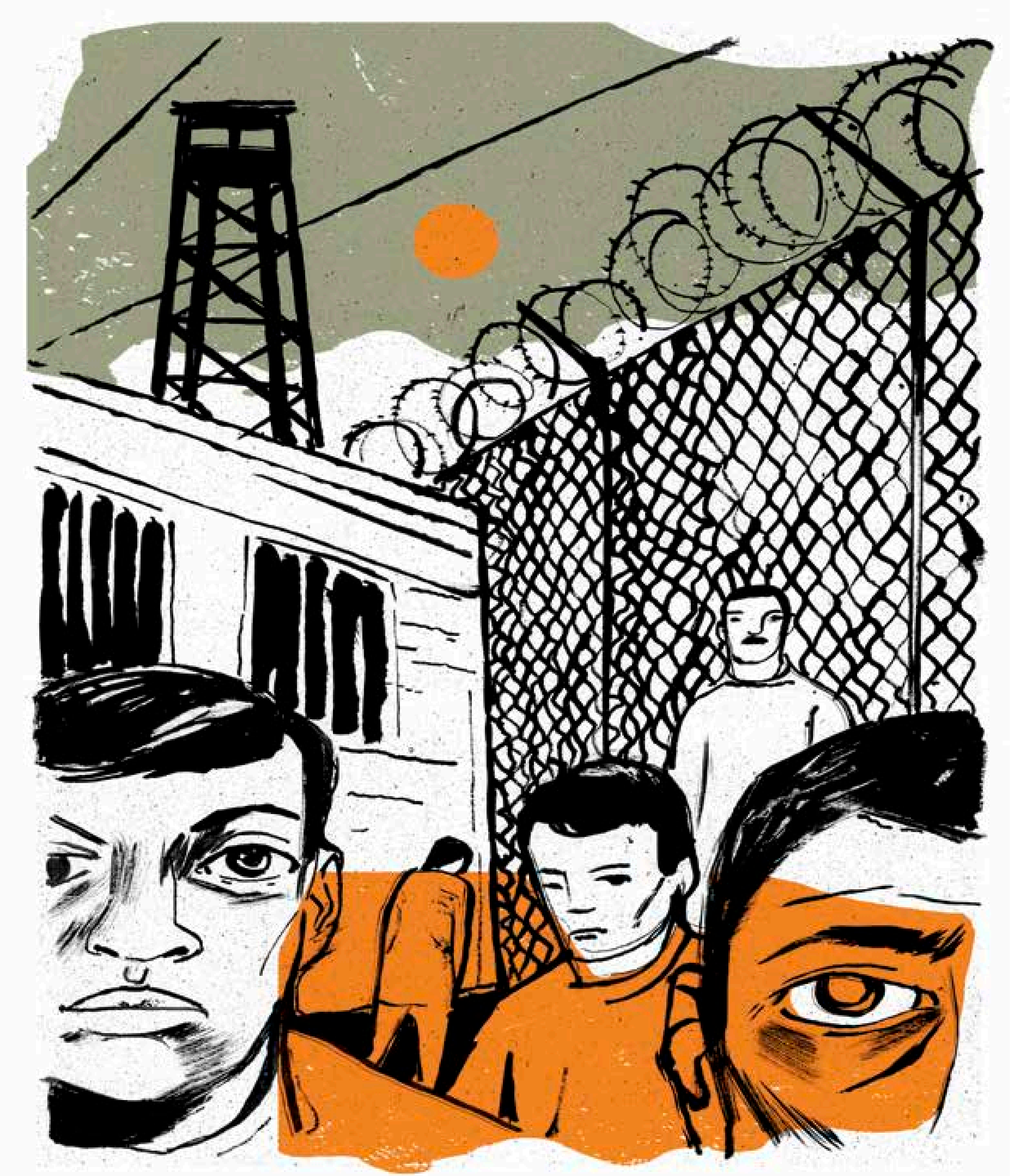
A guard summoned the volunteers to walk through a metal detector. Without explanation, he told them they could bring pens this week, instead of relying on the usual handout of library-style pencils. They rushed to their lockers to stock up. The guard led them down a hallway to the visitation room. In the center, some two dozen men in neon green jumpsuits crowded into a large glass pen, not unlike those displaying animals at a zoo. The volunteers sat down at numbered windows on the perimeter. Some held up papers identifying themselves as Spanish speakers.

David Johnston, a retired history teacher, picked up the phone booth-style receiver at Window 28. On the other side was Justine Nnaemeka Esomonu, a 30-year-old man from Nigeria he had met once before. Esomonu has closely cropped hair, curly lashes, and a broad smile. He says he trained as a nurse and arrived in the United States five months earlier from Australia on a two-year visa, but was turned away at the border. He requested asylum, he says, since his family of Christian farmers had been targeted by Fulani herdsmen in Nigeria's Benue state.

"Hello, good to see you!" said Johnston, a grandfatherly figure in a blue corduroy jacket and thick glasses. Esomonu thanked Johnston for sending a book he had requested, *You Can If You Think You Can* by Norman Vincent Peale, an evangelist of positive thinking.

"It's really inspiring to me," Esomonu said.

The pair turned to business. Johnston updated Esomonu on two contacts he had reached out to. He promised to call the public interest lawyer Esomonu hoped would take his case. CIVIC volunteers had already helped Esomonu contact his wife in Australia and his sister in Nigeria, who hadn't known whether he was alive. CIVIC also helped Esomonu find a church minister willing to sponsor him to increase his chances of getting out on bond.



The visitation program is much more than a feel-good project. Volunteers are almost de facto social workers, helping people find pro bono lawyers, gathering records for cases, contacting relatives, and even making small one-time deposits to commissary accounts. These tasks can be insurmountable for detainees, who aren't allowed to call or send mail internationally and face expensive fees for domestic calls. Of course, the emotional support matters, too.

"CIVIC has helped me keep my spirits up to this point," Esomonu told me. "I don't have family or friends here. CIVIC has been the family I have."

After an hour or so, guards led the detained men away, and a dozen women took their place. Sheny Esquivel-Arevalo, a 29-year-old woman with wavy hair and well-groomed eyebrows, sat down across from Johnston. It was the third time they had met. She had come to the United States when she was 14 years old and had a preschool-aged daughter of her own. ICE had detained her as she was coming from work at a lettuce-packing plant in Hollister, California, at 4 a.m. Johnston asked her about her daughter, about her lawyer, about why she thought ICE had targeted her. He took notes on a form CIVIC uses to collect information from detainees willing to share their stories. The young woman said she didn't want to provide any more details—she was scared.

"Would you like another book?" Johnston asked.

She requested a Spanish-language prayer book.

"I don't really know how to pray," she said. "There's nothing more that I can do. It's the best thing I can do here."

NUMBERS, MAPS, STORIES

Based out of a church in South Central Los Angeles, CIVIC now has seven full-time and two part-time employees and a new office in Oakland. Since 2012, its network has grown to encompass visitation programs in 43 of the largest facilities in 19 states, from California to Florida, from Texas to Minnesota. Collectively, volunteers make 54,000 visits each year. The organization manages a few programs directly, but most are autonomous, led by community groups, nonprofits, or individuals. CIVIC supports people who want to start new programs, shares resources and best practices with affiliates, and organizes an annual retreat for leaders. It also helps them overcome roadblocks. Over the years, authorities have temporarily blocked access for visitation programs in nine facilities after CIVIC spoke out about conditions inside. Approximately 150 facilities, including many located in remote areas, don't yet have visitation programs. To reach immigrants there, two years ago CIVIC launched a free national hotline that routes to volunteers' phones. People call to lodge complaints, ask CIVIC to contact loved ones or services, or just to talk. Those looking for a prolonged connection get referred to volunteers who have signed up for a pen pal program. Since Donald Trump's inauguration as president, the number of monthly calls the hotline receives has doubled to 14,000.

"I think it speaks to the fear that people in immigration detention have," Fialho said, "but also to their desire to let the outside world know what is happening behind closed doors."

CIVIC also maintains the most up-to-date map of detention facilities available and shares immigrants' voices through storytelling projects.

Two years ago, CIVIC began tracking and consolidating information volunteers learn during visits and calls: how people were detained, their family history, how their cases evolve, conditions in facilities, and more. When a pattern of violations surfaces, the organization investigates and files federal complaints, issues reports with partner organizations, or lobbies for legislative changes.

"We're the eyes and ears of the immigration detention system," Fialho said.

In April 2017, CIVIC filed a federal civil rights complaint noting that the government had investigated fewer than 3 percent of more than 1,000 reports of sexual abuse filed by detainees in a two-year period. The following month, the organization issued a report with Human Rights Watch concluding that 16 of 18 people who had died in detention between 2012 and 2015 received substandard medical care. CIVIC's civil rights complaint about medical neglect in New Jersey's Hudson County Correctional Facility last year led to the creation of the first medical oversight committee in the immigration detention system.

Before the 2016 election, Fialho sensed momentum building in their work. The Department of Justice had announced it would phase out private prisons. CIVIC was experimenting with alternatives to incarceration, piloting a volunteer-based program based on the refugee resettlement model for asylum seekers at West County Detention Facility. In its first 18 months, the program helped 286 people obtain realease. CIVIC informally coordinates 22 similar programs around the country.

The past 18 months have brought some big changes, though. Private prison corporations saw larger stock gains than any other companies after Election Day. Immigration arrests were up 40 percent in early 2017 compared to the previous year, and more asylum seekers are being denied bond and parole.

Yet Fialho remains optimistic. In December 2016, a nonpartisan Homeland Security Department advisory council rejected in a report "the conclusion that reliance on private prisons should, or inevitably must, continue." In August 2017, Rep. Pramila Jayapal, who represents Washington, D.C., in Congress, introduced a federal budget amendment that would block the use of taxpayer dollars to expand detention facilities. In October, she and Rep. Adam Smith, who also represents the capital, introduced the Dignity for Detained Immigrants Act, which would end the use of private detention facilities and repeal mandatory detention of certain categories of immigrants. Media outlets are paying more attention than they did five years ago. And CIVIC is advising the city of Santa Ana, California, on how it can repurpose its jail, which previously detained immigrants, to house the first publicly funded program providing a community-based alternative to immigration detention.

"What gives me hope is how quickly things can change from one day to the next, as they did in November 2016," Fialho said. "I believe the same thing can happen again in the opposite direction."

MAKE IT RAIN

After the October press conference at the prison, Fialho drove a couple miles to Adelanto Stadium, home of the High Desert Yardbirds baseball team and the High Desert Fury men's and women's soccer clubs. CIVIC and partners were holding a concert with funding from The California Endowment. A phone booth near the entrance played recorded voices of detainees. Overlooking the field, a black-and-white billboard proclaimed *#schoolsnotprisons*. A vending machine replicated prices prisons charge inmates—who are paid $1 a day for work—for food and necessities: $5.36 for a pouch of tuna, $3 for deodorant.

Fialho fluttered around, talking to colleagues and former detainees she had invited to speak, including Owino and Hidalgo. She delivered a drawing that a detainee had given her to a booth above the stands displaying art: It showed a girl with braided hair and a pink backpack, gazing at a rainbow from behind thick brown bars. Despite the stress of planning a large event and speaking in public twice in one day, Fialho remained infallibly composed and sunny.

Access for visitation programs has temporarily been blocked in nine facilities after CIVIC spoke out about conditions inside.

"She's kind of my hero," said Mansfield, Fialho's cofounder and co-executive director. "She's totally fearless and cannot stand for any kind of injustice."

As the sky darkened, more than 1,000 people crowded onto Adelanto's baseball field despite a bone-chilling high-desert wind. They helped themselves to free tacos and hot dogs and bounced along to the music of Ceci Bastida, Los Rakas, and Buyepongo, artists who would never typically stop in Adelanto. Between sets, Fialho, Mansfield, and other immigrant advocates took the stage, urging attendees to sign petitions and advocate for alternatives to detention. The audience squealed when Miguel delivered the finale, debuting a song from his new album and promising to continue speaking out about immigration detention.

A month later, he did—beyond Fialho's wildest expectations. On November 30, 2017, Miguel put out the official music video for "Now," a song from his fourth album, *War & Leisure*, released the following day. Unbeknownst to Fialho, the entire video was composed of footage from Miguel's appearance in Adelanto: shots of the prison, Owino and Hidalgo speaking, locals holding #schoolsnot-prisons signs. Fialho makes an unwitting cameo herself, her message louder than she ever dreamed when she started a single visitation program seven years ago. *Build your walls up high and wide,* Miguel sings. *Make it rain to keep them out / That won't change what we are inside.*

But CIVIC changed, in one respect—its name. In March 2018, it became known as Freedom for Immigrants.

KATIA SAVCHUK is a journalist based in Oakland. Her work has appeared in *Forbes*, *Cosmopolitan*, *The Washington Post*, and other publications. **EDEL RODRIGUEZ** is a visual artist whose work includes covers for *Time, Der Spiegel,* and *The New York Times.*