

ICE Must Improve Conditions in N.Y.C. Migrant Holding Cells, Judge Rules

The immigration agency must hold fewer detainees and provide them with medical care and regular access to lawyers, Judge Lewis A. Kaplan said.

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By Luis Ferré-Sadurní

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A federal judge ordered the Trump administration on Tuesday to swiftly remedy conditions inside migrant holding cells in New York City where detainees have complained of squalid and overcrowded conditions.

The judge, Lewis A. Kaplan, ordered the Immigration and Customs Enforcement agency to hold fewer people in the 10th-floor holding cells of the agency's Lower Manhattan offices at 26 Federal Plaza, where ICE has been accused of detaining dozens of migrants for days or weeks in tight quarters meant to hold detainees for just a few hours.

The judge also ordered ICE to allow migrants to place calls to their lawyers and to ensure that they have access to proper medical and hygienic care following allegations that detainees were deprived of showers, given meager meals and forced to sleep on the concrete floor without any bedding.

The ruling came in response to a lawsuit filed in Manhattan federal court on Friday by legal organizations representing a Peruvian immigrant, Sergio Alberto Barco Mercado, who was arrested by ICE and held at 26 Federal Plaza last week.

Judge Kaplan issued a temporary restraining order while he fully reviews the case and considers whether to issue a longer-lasting order. ICE has repeatedly denied that the cells at 26 Federal Plaza are overcrowded or that conditions are inadequate.

The ruling is a short-term victory for immigration activists who have spent months denouncing the conditions in the holding cells, which have filled up as ICE has increased arrests in New York's immigration courts, straining the agency's detention capacity. Many of the more than 3,200 people ICE has arrested in the New York City area since Jan. 20 have been detained at 26 Federal Plaza at some point, according to new federal data released this week.

The holding cells emerged as a flashpoint this summer, as migrants shared details of overcrowding so severe that some of them slept sitting upright or on the floor by the toilets, which filled the cells with a "horrific stench," according to the lawsuit. A cellphone video recorded by a detainee last month offered the first glimpse of the conditions, escalating criticism from congressional Democrats who have been denied access to inspect the cells.

The lawsuit argued that ICE was violating the Constitution by depriving detainees access to lawyers and its own policies by holding them in the cells for longer than 72 hours. The legal groups representing Mr. Barco Mercado are: the American Civil Liberties Union; the New York Civil Liberties Union; Make the Road New York, an

immigrant advocacy group; and Wang Hecker, a law firm.

This is a developing story and will be updated.

Ashley Cai contributed reporting.

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