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Judge orders Trump administration to improve conditions for migrants detained in NYC



Luiz C. Ribeiro/for New York Daily News

The Jacob K. Javits Federal Building located at 26 Federal Plaza in downtown Manhattan.



By **MOLLY CRANE-NEWMAN** | New York Daily News

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A federal judge in Manhattan [issued a temporary restraining order](#) Tuesday requiring the Trump administration to improve conditions for immigrants detained at 26 Federal Plaza, where people desperate for food, water and medication have allegedly been treated “as if they were animals.”

Manhattan Federal Judge Lewis Kaplan’s written order requires federal immigration authorities to provide migrants in custody with clean and safe sleeping space, nutritious meals, prescription medication, access to lawyers and other necessities.

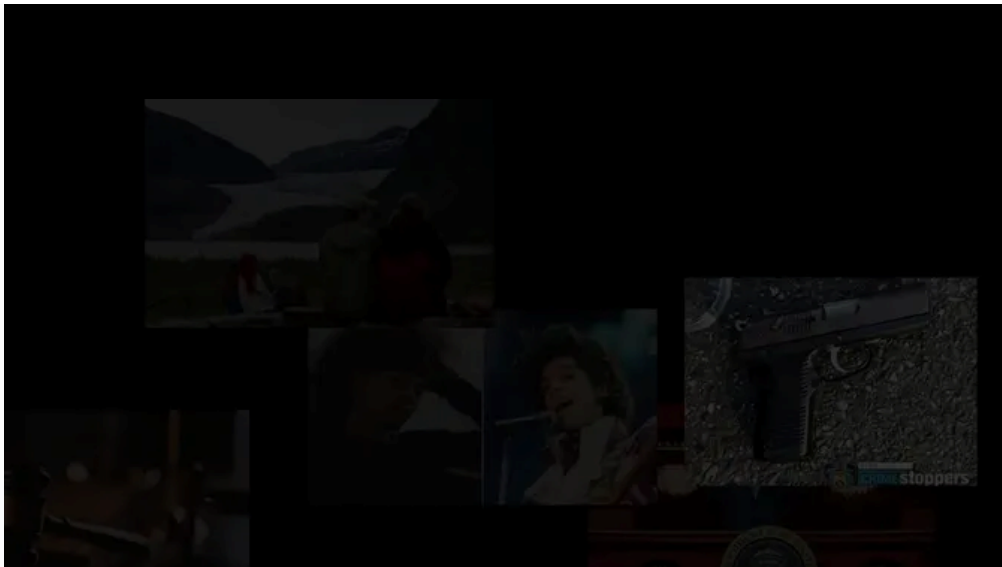
The order came in [a lawsuit filed last week](#) against the Department of Homeland Security on behalf of Sergio Alberto Barco Mercado, a Peruvian immigrant swept up by Immigration and Customs Enforcement, or ICE, on Aug. 8, which seeks class-action status.

Conditions at 26 Federal Plaza have become a



At a teleconference hearing earlier Tuesday, lawyers for the detainees told Kaplan that migrants were being detained in abhorrent conditions, detailed in several declarations submitted to the court, according to a transcript of the proceedings, which were not publicly accessible due to technical issues.

“They have access to only one or two toilets shared among 40 to 90 people, and the toilets are in open view of the room, so some have resorted to try to wrap their aluminum sleeping blanket around themselves for privacy. They are subjected to taunting and verbal and physical abuse by the ICE officers,” attorney Heather Gregorio said.



One detainee who submitted an account to the court that was referenced by Gregorio described sleeping in foul-smelling facilities and facing demeaning treatment by ICE agents.

“He describes the same crowding, lack of food, lack of adequate sleeping conditions, freezing temperatures and smell of sewage,” Gregorio said.

“He also describes dehumanizing treatment by the guards. He states that one guard was holding up a water bottle and spraying it into the mouths of the individuals who wanted water, as if they were animals.”

Jeffrey Oestericher, representing the government, agreed conditions should be humane but disputed the facility was being used to detain people long-term.

“As a threshold matter, 26 Federal Plaza is a holding facility, and it’s designed for short-term stays,” he said. “ And I think that’s important with regard to keeping in context the effects of some of these conditions.”



Elizabeth Williams/AP

Courtroom sketch of Judge Lewis Kaplan.

Kaplan’s order, which will remain in effect for 14 days while he considers longer-term relief, bars ICE from cramming migrants into areas with less than 50 square feet per person and forcing them

In addition, it requires that holding areas be thoroughly cleaned three times a day, that migrants be given access to medical care, clean sleeping mats and hygiene products, and that ICE enable detainees to speak privately with their lawyers for free and access to interpreters, if needed.

Mercado's suit alleges that since the Trump administration ramped up its mass deportation agenda earlier this year, he and thousands like him have been held in squalid conditions at the lower Manhattan complex blocks away from City Hall, "for extended periods of time, often for a week or more, sleeping on the concrete floor next to the toilet, in cells that are either freezing or oppressively hot, without medication, an opportunity to bathe, brush their teeth or change their clothes."



Video footage shows migrants being detained at 26 Federal Plaza in Manhattan, New York. (New York Immigration Coalition)

Lawyers for the American Civil Liberties Union, New York Civil Liberties Union, Make the Road New York and the law firm Wang Hecker LLP, who are representing the detainees, celebrated the order as a major victory for immigrants' rights, saying it imposed basic accountability on ICE at a time when migrants across the country are being denied constitutional protections on a daily basis.

“The Constitution requires that no one — especially someone unlawfully arrested at their immigration hearing, which happened to so many people in this case — should have to endure the dehumanizing conditions we’ve challenged in 26 Federal Plaza,” Bobby Hodgson, Assistant Legal Director at the NYCLU, said.

“We look forward to continuing this fight and stopping ICE’s unconstitutional detention practices at 26 Federal Plaza for good.”

Spokesmen for DHS did not immediately respond to the Daily News’ requests for comment.

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