



# OIDO

Office of the Immigration  
Detention Ombudsman

*The Office of the Immigration Detention Ombudsman independently examines immigration detention to promote and support safe, humane conditions.*

## Welcome to the OIDO newsletter!

The Office of the Immigration Detention Ombudsman (OIDO) will send out an e-newsletter quarterly, or as needed to tell you about new developments in our office.

We gave you an overview of our office in our previous newsletter. It's a lot to digest, and we understand! We still have a lot of work to do educating on the importance of OIDO and how we can help. For this reason, general information about OIDO will be kept in newsletters so we can walk through this together!

### **Ombudsman**

[ "AM-, buhds-mən ]

NOUN

an official appointed to investigate individuals' complaints against maladministration, especially that of public authorities.

*As defined by Oxford Languages*

## New to OIDO?

OIDO is an independent, neutral office operating within the U.S. Department of Homeland Security (DHS), but not within either U.S. Customs and Border Protection (CBP) or U.S.

Immigration and Customs Enforcement (ICE). The Ombudsman's Office was established by Congress (Sec.106 of the Consolidated Appropriations Act, 2020, Public Law 116-93). Our vision is for OIDO to be recognized as an objective, credible resource for those impacted by immigration detention, creating a more effective and humane system.

### **OIDO can help with:**

- Violation of an individual detainee's rights
- Potential misconduct
- Excessive force
- Violation of law, standards of professional conduct, contract terms, or policy related to immigration detention committed by ICE or CBP staff or contractors

### **OIDO cannot:**

- Communicate with anyone but the detainee or representative about a case without written permission
- Review or adjudicate requests to reconsider a detention determination, the reasons for detention, the denial of a request for release or parole, or the standards for considering requests for release
- Review or adjudicate requests to reconsider determinations made by U.S. Citizenship and Immigration Services, such as credible fear determinations

For information on our structure and mission, please visit our website at [dhs.gov/OIDO](https://dhs.gov/OIDO).

## **A Note from the Acting Ombudsman, David Gersten:**



The last few months have represented huge growth in our office, and I'm excited to share these developments with you! First, let me acknowledge that our successes were only possible because our staff and the contractors supporting us work hard to carry out our mission. I want to take a moment to thank them for their dedication.

Throughout this issue, you will find examples of our impact on immigration detention, and—more importantly—the people held in detention.

I've been out on the road myself, visiting facilities and field staff, and representing the depth and breadth of our work to DHS leadership and to Congress. Since all of OIDO's work is brand new, it is vital for me to see how we conduct our work firsthand, especially the interactions between case managers and detained persons. Empowering case managers to address issues at the local level as we acclimate to new facilities and shifting circumstances is essential to the success of our mission.

These visits and opportunities to hear from field staff also help me to build key relationships and provide valuable insights when I meet with DHS leadership and

Congress. We can provide critical context in the detention landscape: each of our program divisions brings a different perspective on the detention environment and allows for a more complete and coordinated approach to oversight.

As a small office, our relationship-driven approach is critical to accomplishing our mission, and it is a key priority of mine to enhance these relationships across the DHS enterprise. One example is our partnership with the Federal Law Enforcement Training Center (FLETC). Through this partnership, OIDO can reach the law enforcement trainees early in their careers to educate them on who we are, what we do, and how they can build the foundational concepts of OIDO's mission to ensure safe and humane conditions in immigration detention into their own interactions with the people they encounter.

Finally, I am pleased to announce we are completing our branding campaign. We have developed a new logo, color schemes, uniforms, and documents that better represent OIDO and distinguish us from other DHS entities and immigration detention facility staff. The story of how we chose a logo that we hope will become a symbol of trust to those we help is below.

As we continue to grow and refine our work, I am confident that we will only continue to be better. I look forward to OIDO's future and feel our best days are yet to come!

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## Join Us for Virtual Roundtables!

OIDO would like to hear your concerns about specific challenges in detention, and we are hosting roundtable discussions on the following issues:

- Thursday, August 11, 3:00 PM - 4:00 PM Eastern: *Electronic Communications in Immigration Detention*
- Thursday, August 18, 3:00 PM - 4:00 PM Eastern: *Access to Counsel in Immigration Detention*
- Thursday, August 25, 3:00 PM - 4:00 PM Eastern: *Medical Care in Immigration Detention*

Please RSVP to [OIDO\\_Outreach@hq.dhs.gov](mailto:OIDO_Outreach@hq.dhs.gov) for the sign-on information. Each session will include an introduction to the work OIDO is doing on these topics, but most importantly, this is an opportunity for you to raise issues affecting individuals you serve.

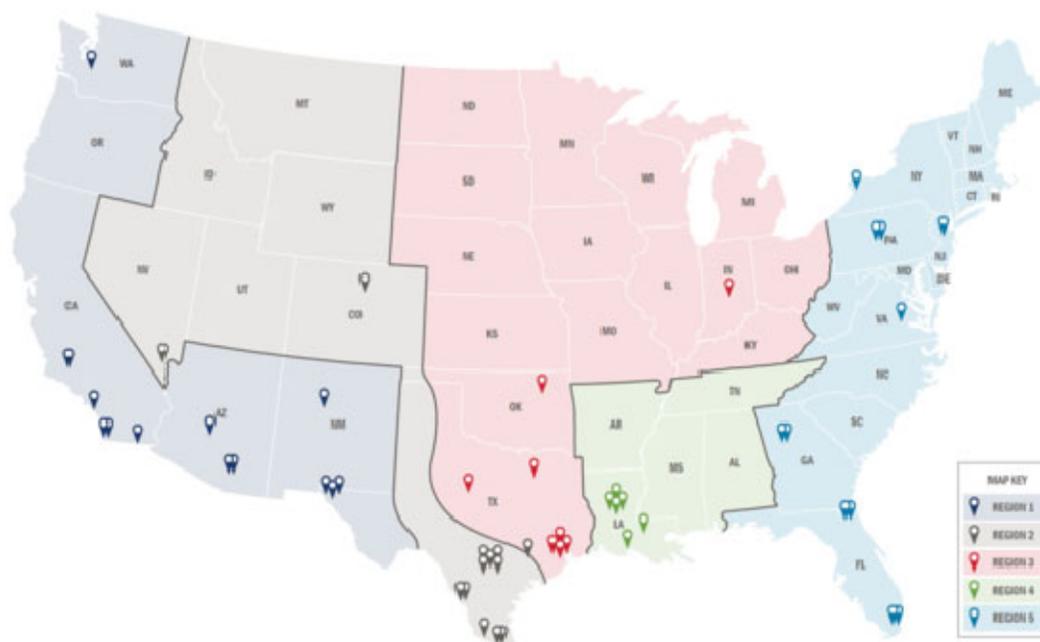
Be on the lookout for upcoming roundtable discussions. For future discussions, the topics can be wide ranging, and we are open to input from the community. Each community may have different needs or concerns, so please don't be afraid to tell us how we can better help you!

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## Case Management

Our new Case Management map is here! Our recent regional redistricting will allow more equal workloads for our case managers and better align our operations with ICE's areas of responsibility. Each of the pins in the map below represents Case Management staff in the field; however, we can receive and address complaints from anywhere an individual is held in the administrative immigration custody of DHS.

We continue to refine our programs as we grow and expand our operations to ensure safe and humane detention conditions.



## Case Management Data (4/1/2022 – 7/1/2022)

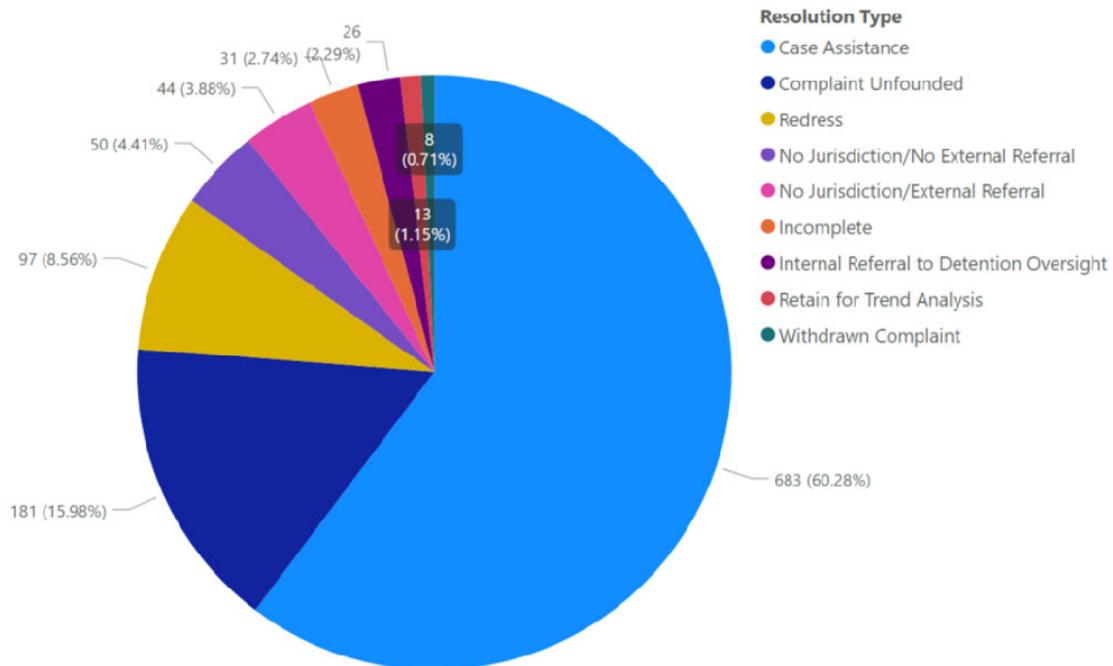
Since OIDO started taking in cases in late 2021, we have received over 2,000 complaints from people in detention, as well as their friends, families, and representatives. We're happy to report we have resolved almost 2,000 of these cases to date. Our complaints come from people who are currently or were held in administrative immigration custody on the authority of the Department of Homeland Security, in either ICE or CBP facilities. Between April and July, OIDO received a total of 902 complaints. Most complaints concerned the facility environment, medical or mental health care, or property. The other categories for which OIDO received complaints, as shown below, included abuse or assault, legal access, translation and interpretation, special consideration for children and families, religious concerns, detainee locator, and disability accommodations. OIDO resolves most complaints within 14 days.



## Resolution Type (4/1/2022 – 7/1/2022)

For most complaints, OIDO case managers will provide some type of **case assistance**, facilitating a solution to a problem that is not a violation of a law, policy, or standard. For example, a case manager might resolve a complaint by explaining a policy, or providing a form or document translated in a detainee’s native language. Where case managers provide **redress**, they are addressing an issue that is a violation of a law, standard, or policy, like a food safety issue. For some complaints, OIDO is not able to help through case management, or the issue is beyond our purview. In these cases, the complaint may be shared with a partner government agency that can better assist, like the DHS [Office of Inspector General](#).

Complaints by Resolution Type



## OIDO in Action

*Aurora, Colorado* – Case Manager Lenny interviewed a detainee who spoke Spanish, but with a severe speech impediment, making verbal communication extremely difficult. Lenny was able to discern that it was much easier for the detainee to communicate via reading and writing. However, they found that the

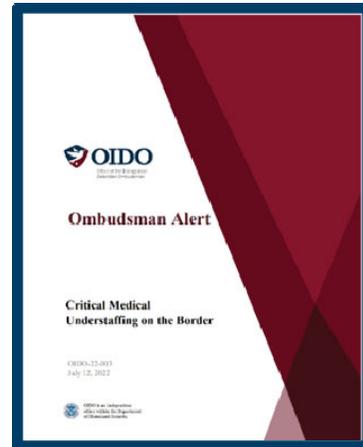
detainee also had bad eyesight, something the facility was unaware of (apparently due to facility staff also not being able to clearly communicate with the detainee). Moments after the interview, Lenny was able to set up an appointment for the detainee to have his eyes checked, and the detainee was seen the same day. Case Managers continue to be one of the biggest difference makers in OIDO's operations. Specifically, their problem-solving ability that takes place at a local level helps remove barriers to a more humane and responsive detention setting. Great job, Lenny!

## **Ombudsman Alert – Critical Medical Understaffing on the Border**

This month, OIDO issued its first ever “Ombudsman Alert.” In the course of our inspections, we found that the current provider of contracted medical services along the Southwest border for CBP has faced critical staffing shortages across several locations.

We believe this could jeopardize the health and safety of noncitizens in CBP custody. OIDO issued basic information in the form of an alert to share that during the last period of performance, the medical contractor was not able to meet the Agency's needs as outlined in the contract. In the coming months, our full report will have more details beyond these immediate concerns.

The alert can be found on OIDO's website, or by clicking [here](#).



## **OIDO Recent Events**

### *Federal Bar Association Conference*

Acting Ombudsman David Gersten gave plenary remarks at the Federal Bar Association Conference in Detroit, Michigan, on May 13, introducing OIDO and answering questions from the attorneys present about how we could assist their clients with issues in immigration detention. He also participated in a panel discussion with Citizenship and Immigration Services Ombudsman (CISOMB) Phyllis Coven, where both ombudsmen spoke about their successes so far and plans for the future.

### *Catholic Legal Immigration Network, Inc. (CLINIC) Convening*

Director of Case Management Carla Fall presented to the participants in the CLINIC convening alongside fellow Federal representatives Mary Herrmann, from U.S. Citizenship and Immigration Services, and Adrienne Chulapakorn, from CISOMB. The panel presented on using each office's complaint processes to escalate issues of

concern to the appropriate offices, OIDO for immigration detention issues and CISOMB for immigration benefits issues.

### *National Association of Counties (NACo) Annual Conference and Exposition*

Acting Deputy Ombudsman Allison Posner presented to the NACo Immigration Reform Task Force in Denver, Colorado in a panel with Mo Castillo, Deputy Lead Federal Coordinator for Region 9 of U.S. Customs and Border Protection. Deputy Ombudsman Posner introduced OIDO and offered the Office's support to immigration professionals and those affected by immigration detention.



### *American Immigration Lawyers Association*

New York City hosted the 2022 American Immigration Lawyers Association (AILA) Annual Conference on Immigration Law. This provided a great opportunity for OIDO to participate -- educating peers and other immigration-centric entities and building community relations.

Pictured left to right are Allison Posner (Acting Deputy Ombudsman), Meredith DeFraités (Acting Director, External Relations) and Anthony Favero (Deputy Director, Case Management).

This team presented the OIDO office and fielded multiple questions. The following are a few examples of additional information shared with the audience at the AILA conference and elsewhere:

- **Reporting to the Secretary:** OIDO prepares a written report of the previous month's activities, which includes facilities visited, inspections conducted, updated complaint data, any notable outreach activities, and progress on projects. This report is then forwarded to the Secretary of Homeland Security and his advisors.
- **Deconflicting with Partners:** OIDO is in regular contact with the offices that receive complaints about detention conditions, both from a headquarters level and at the local level. We have established meetings and referral processes for some of the offices with which we might frequently overlap, such as the DHS Office of Inspector General and the Office for Civil Rights and Civil Liberties. We're also able to deconflict inspections and follow-up on complaints through the channels we've established.
- **Responding Quickly:** Our ability to focus exclusively on the conditions of immigration detention and our persistent presence in facilities has given us opportunities for rapid response and follow-up that aren't always manageable for offices with wider missions. We're able to respond to a complaint in a matter of days, rather than months, and to use our inspections to see if detention agencies and contractors have made changes based on recommendations.

## OIDO Outreach Footprint

OIDO continues to expand its outreach efforts to reach more people and organizations in areas affected by immigration detention. In the last quarter, OIDO staff and leadership visited 15 states, in addition to our usual Case Management rounds. If you would like to meet with OIDO, please contact our External Relations team at [OIDO\\_Outreach@hq.dhs.gov](mailto:OIDO_Outreach@hq.dhs.gov). A lot of ground is being covered as we introduce our office and show what we can do.



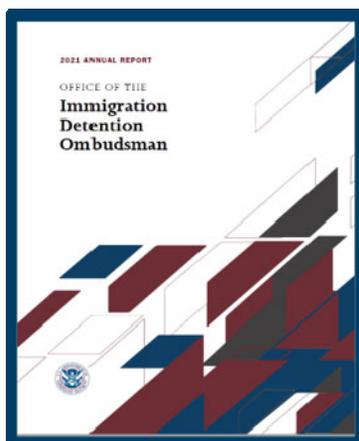
## In Case You Missed It...

### Case Intake is Live!

OIDO released its case intake form (DHS Form 405) on May 9, 2022. OIDO reviews cases submitted by, and on behalf of, individuals affected by misconduct, excessive force, or violations of law, rights, policy, or standards in immigration detention settings by the U.S. Department of Homeland Security (DHS).

To receive assistance regarding an incident that occurred while in immigration detention, please submit DHS Form 405. OIDO will then examine the case and, upon verification, seek to resolve the matter or provide redress as appropriate. DHS Form 405 can be found [here](#) in English, Spanish, Portuguese, Russian, and Haitian Creole.

## Release of the 2021 Annual Report



OIDO released its Annual Report on May 9, at the same time the case intake form went live. The report consists of an overview of the Office's functions, operations in its infant stages and future operations. Included in the report are success stories of growing the organization to be responsive to the needs of those we serve. Of special note, OIDO is unique as an Ombudsman's office in our ability to find timely resolution to detention issues or concerns, due to its integration of staff at the field level. This has allowed concerns or issues that can be handled locally to be expedited. It has also allowed us to expand our network of local organizations vested in the oversight of detention facilities and its operations.

## New on the OIDO Website

OIDO has made its one-pagers available on the OIDO [website](#), available in 13 languages.

OIDO's website has also been translated into Spanish; it can be found [here](#).



## A New Look



OIDO is excited to unveil its official logo! Our logo symbolizes trust, strength, and courage, utilizing three key elements: a hummingbird, a shield, and a star. The hummingbird, in some cultures, is believed to carry messages from loved ones and ancestors. The shield represents protection and support, while the five-pointed star of the U.S. flag represents our focus on safe and humane treatment of every individual who passes through the doors of an immigration detention facility. We are excited to integrate this visual identity into our work, promoting our unique

identity and the value we provide the immigration detention community.

## Coming Soon



OIDO continues to build its library of resources and focus on reaching people who are affected by immigration detention. In May and June, OIDO filmed several videos to be shared with the public! Keep an eye on our webpage for the videos to be released.

## To the Community

We want to hear from you! Tell us about a difficult situation that you or someone you know faced in a detention setting and how you were helped. If it has not been addressed, or you feel more can be done, contact us—we are here to help. If you have compliments—or concerns!—about how a case was handled by OIDO, please contact us at [OIDO\\_Outreach@hq.dhs.gov](mailto:OIDO_Outreach@hq.dhs.gov). With your consent, we would love to highlight our successes in upcoming newsletters.

## Keep in Touch

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Newsletter](#)