

1 *ICE Air*

Alexandria, Louisiana

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ICE Air Operations: The “air transportation” department of U.S. Immigration and Customs Enforcement (ICE) that “facilitate[s] the movement of noncitizens within the United States and the removal of noncitizens to destinations worldwide.”

WEBSITE OF IMMIGRATION AND CUSTOMS ENFORCEMENT

Sa'id Abdi Janale waited in line for one of the three working telephones in the Louisiana immigration jail's dayroom. Banks of fluorescent lights cast cold light from the low ceiling onto rectangular metal tables down the middle of the room, each flanked by stools bolted to the floor. A TV hung over the tables, out of reach. Sa'id—tall with cropped hair and brown eyes—wore tan leather loafers, khaki pants, and a white polo shirt. These were the same clothes he had worn when immigration officers arrested him four months earlier. Sa'id surveyed the scene, hands at his side. His calm contrasted with the edginess of others in the room. In front of him, other men bound for Somalia bowed their heads and spoke into the phones in hushed but frantic tones. The calls were time-limited, expensive, and recorded, but they were lifelines connecting these men to families they might never see again. A white plane with red markings spelling

Omni Air International was visible through the room's window, a Boeing 767 jumbo jet. In the still darkness of the evening, a spotlight shined down on the nose of the plane, casting a shadow on the tarmac. Sa'id feared he would be on that plane in the morning.

Sa'id was one of 90 men and 2 women born in Somalia who were jailed together at the private prison known as the Alexandria Staging Facility, located in central Louisiana, a three-and-a-half hour drive from New Orleans. Immigration officials had shipped them here from jails around the country to deport them as a group. Charter flight N225AX would carry them away early the next day. Each of the 92 had a final order of removal. The United States would ship them back to their country of birth in chains, although lawyers would later find that many had sound defenses to deportation that no court had ever considered.

Sa'id reached the front of the phone line. He gripped the telephone receiver and winced as his pinky finger connected with the still-warm, black plastic. An injury from another immigration jail made its presence known. Sa'id pressed the familiar numbers, wondering what prefix he would have to add to the 617 Massachusetts area code when dialing from Somalia. The United States was forcing him to return a country that was his in name only. After his father was shot in front of him during Somalia's civil war, Sa'id had fled at age five with his mother, brothers, and sisters. He had no one left in Somalia. The war that began in 1991 had left his entire family either dead or scattered across Kenyan refugee camps.

Sa'id's mother had remarried during her six years in the camps. Her second husband, an artist, had painted a mural of a well-known shipwreck on a wall at one of the three camps where they took shelter. Overcome by turbulent water off the coast of Kenya, the passengers, Somalis fleeing the civil war, stretched out their arms for help that would not arrive. Of the 700 on the overloaded boat, more than 150 perished. Most did not know how to swim. The sudden calamity at sea

contrasted with the slowly unfolding human tragedy within the camp amid the mud and tents. Sa'id kept a small replica of the painting as a reminder of the long years he spent hungry and hot as a young child, moving from camp to camp, as well as the importance of the sea to his fishermen family. The picture hung in the bedroom of the Boston-area home he shared with his wife, Janene Johnson, a U.S. citizen.

Sa'id had always loved art—he carried favorite images with him. As a teenager in Dallas, he defied his mother and stepfather to imprint his body with the name of his mother, Maryan. Now tattoos, including the names and portraits of his children, covered much of his arms and chest. His right arm bore the word “solo” outlined by a map of the place he called home, Texas. On his chest, he had inked “Only Allah can judge me.” A clock and an hourglass signified the fleeting nature of time.

In the United States, Sa'id's body art expressed his connection to his family, his religion, his home of two decades, and his feeling of being alone, caught between Somali and American culture. In Somalia, it would mark him a target of al-Shabaab—an al-Qaeda-aligned group on a mission to establish a state in Somalia based on a distorted version of Islam. Emerging from the ashes of Somalia's brutal civil war, al-Shabaab had displaced Somalia's weak central government in large swaths of the country. Just two months before Sa'id took his place in the Alexandria jail phone line, the group had killed over 500 people in Mogadishu in a bombing attack known as the “Somali 9/11.”

As a Somali associated with the United States, Sa'id faced profound danger in his birth country. Al-Shabaab forbids tattoos and would punish the “Allah” tattoo as an extreme affront. It would be impossible to hide Sa'id's outsider status, not only because of the tattoos but because he, like many who came to the United States as children, spoke Somali with a pronounced American accent and had no current knowledge of Somalia. Sa'id was what some Somalis refer to as “say walahi”—a phrase that means “I swear to God” or, when posed as a question, “Swear to God?” Americanized Somalis are “say

walahi,” because they tend to use this phrase more than other Somalis.

Sa’id leaned his left forearm on the jail phone kiosk to steady himself. Janene answered on the first ring.

“Anything from the immigration lawyer?” Sa’id almost whispered the question.

“Nothing,” said Janene. “He didn’t answer the phone. I went to his office, and he didn’t open the door. We paid \$7,000 for nothing.” Up until that moment, Sa’id had believed something could be done—some legal maneuver—to stop his deportation. But now he was coming to understand that the fee they had paid the lawyer could have gone to take care of the children or to help him survive in Somalia.

Sa’id and Janene tried to match the conversation to the moment. She insisted she would move the family to be with him, that they would find a way. Sa’id smiled at her optimism as he looked at the cement floor. He knew better. Janene and the children could not live in Somalia, a war-torn country with a barely functioning government. Even visiting would be all but impossible. The U.S. Federal Aviation Administration had barred U.S. airlines from flying to Somalia for fear of a terrorist attack at the airport.

All Sa’id could cling to, during this last night before deportation, was a semblance of normalcy. He yearned for the day-to-day, to be at home with his family. “How are the boys?” he asked.

“OK. Robbie keeps asking when you will be back. It hasn’t sunk in yet. I’m dreading what it will be like when it does.” Janene had been a single mother of two when Sa’id met her. Robbie was now in first grade. Cerebral palsy kept Janene’s eight-year-old, Jailen, out of regular school. Janene could no longer lift her growing son. It had been Sa’id who bathed and fed Jailen and cleared mucus from his mouth when he had trouble breathing at night.

“How is the baby?” From his pocket, Sa’id took out the photo of Sa’id Jr. that Janene had mailed to him. He had missed his son’s birth

because he was in immigration custody. He ran his thumb over the picture of his three-month-old son. At Sa'id's request, Janene had printed photos at Walgreens. It was all they could do to try and bridge the gap between separated father and son.

"He had a good night, thank goodness. But breastfeeding is still hard. He's not latching on well. My breasts are so full of milk they hurt."

The sounds of raised voices speaking in Somali caught Sa'id's attention. He turned from the phone to see what was happening in the middle of the room. Men converged into a large group, gesturing with their hands. Before Sa'id could make out what they were saying, an officer approached, pointing to the telephones and shaking his head. "No more phone calls," he snapped in English. "Get to your cell."

Sa'id didn't want to hang up. He had no way of knowing when he would next talk with Janene. But he had no choice. Officers were shutting down the dayroom for the night.

Sa'id slid the phone back on the hook and took a few slow steps toward the gathering crowd. Dozens of the men, all slated for the next morning's flight, were speaking in a mix of Somali and English, their voices pitched to the urgency of their impending deportation. Some were seated on the stools and tables, but most stood, facing a correctional officer. Sa'id stood with them.

Each morning, over 20,000 men, women, and children wake up in 200 immigration detention centers across the United States. The Alexandria Staging Facility is one of about 150 U.S. immigration jails run by private prison corporations. Built in 2013 at the behest of the federal government, the Louisiana facility contracts with Immigration and Customs Enforcement to incarcerate people before they board ICE Air flights—charter deportation flights paid for by the government. The "new state of the art transfer center provides efficiency of [*sic*] the ICE removal process," explains the Alexandria Staging Facility's website.

The jail resembles a large warehouse. A rectangular metal roof spans the one-story concrete-block structure, which has a capacity of 400 “beds,” or “bodies” in law-enforcement parlance. People spend the day in a common area, where they eat and watch TV. They sleep in locked, two-person cells flanking this dayroom. Each cell measures 8' × 10' and has a metal bunk bed and an open steel toilet in the corner. Deportation planes use a full-size airstrip alongside the jail. ICE officers walk people out of the facility, across the tarmac, and up the aircraft stairs.

GEO Group, the second largest private prison company in the United States, owns and operates Alexandria Staging Facility. The federal government, including ICE, is GEO Group’s largest client. Fueled by the country’s zero-tolerance immigration enforcement policy, business was booming. The company incarcerates tens of thousands of people for ICE at a price tag of over \$600 million a year. The day after Donald Trump was elected in 2016, GEO Group’s stock rose 21 percent, soaring to 98 percent by three months after the election.

Before Sa’id could hear what the men were saying, he could read what was happening. None of them wanted to be sent into the cells for the night. Even if they managed to fall asleep, they would have to get up in a few hours for the predawn deportation flight. The men wanted this time to talk and absorb the enormity of what was about to happen to them. To plan. To try and cope. After his conversation with Janene had been cut short, Sa’id felt the same way. But his many months in detention had taught him the correctional playbook. A group of detained men making a request, even a reasonable one, would be seen by the jail authorities as a threat to officer safety and shut down, usually with an order to disperse into the cells. Any resistance, even verbal, could trigger violence. As a large Black man, Sa’id had to be careful.

Nonetheless, he risked an intervention. He thought of himself as an American, and he knew he spoke like one. “Officer, we only have a few hours before the flight. Can we stay up?”

“We still have not seen the travel documents from the Somali Embassy,” added Omar, another man slated to be on the flight.

Omar was older than most of the other men. He had a gray beard and walked with a cane. He spoke fluent English. A few days before, a woman from the Somali Embassy in Washington, DC, had assured Omar and others that no travel documents had been issued. Now, Omar pressed his point with the correctional officer at the Alexandria jail. “It’s not legal,” he said, “for ICE to deport us without travel documents.” Omar and the other men hoped that the embassy was telling the truth and would stand up for them by refusing to issue travel documents until the dangerous conditions in Somalia improved. But knowing that the embassy was corrupt, weak, and unskilled at diplomacy with the United States, the men did not have high expectations.

Sa’id watched the correctional officer’s face as he considered the request to let them stay up and what it might take to force the dozens of men into the cells.

The officer called the jail warden.

Joseph Jackson was at home when the report came that a group of African men were refusing to return to the cells. A former Marine, Jackson’s correctional career had spanned more than 30 years. It was not the first time he had been called to manage a brewing disturbance at a jail. He put on his warden uniform and drove to the jail. As he entered the dayroom, he saw the men standing and talking—their discussion heated but, he knew, not a threat. He walked toward them, by himself, his hands empty.

The men fell silent.

“Good evening,” Jackson said. “I understand that you don’t want to go to bed.” He stood before the men, eying them steadily. He

listened as Sa'id and others explained. After a nod and a pause, he addressed the group with a practiced calm. "Gentlemen, I am asking you not to create a problem in my jail. Please respect each other and my jail. I am not ICE. I have no control over your deportation. In the morning, ICE will show you your travel documents before you get on the plane. You can stay up."

One of the men asked, "Can we have coffee?"

Jackson nodded yes.

The men thought that the warden, as a Black man himself, could feel their pain. Jackson could have summoned the jail's SWAT team, but he didn't. Sa'id and the others felt they had secured a small victory.

In another wing of the Alexandria Staging Facility, Abdulahi Hassan Mohamed lay motionless on the top bunk of the cell he shared with Ali, another Somali man. Like Sa'id, Abdulahi and Ali were slated to be deported on the next day's deportation flight. Unlike Sa'id, Abdulahi and Ali preferred to rest before the long journey. Abdulahi turned on his side to face the blank wall of the cell and pulled the jail-issued sheet and thin blanket up and over his body. He closed his eyes and tried to shut out thoughts of Somalia and fall asleep.

Two years before, Abdulahi had arrived at the U.S.-Mexico border to ask for asylum. He was 28, skinny, and soft-spoken. Through his sincere tone and few words of English, he managed to communicate his plea: In Somalia, his parents had been killed, his sister raped, and he had been kidnapped. Although he had escaped to South Africa, where he had lived for ten years, he was still not safe. His first wife had been killed, and he had been injured, in a xenophobic mob attack. He had no visa to enter the United States, but could he please apply for asylum? Abdulahi was invoking his right under international law to seek protection as a refugee.

U.S. protection law is rooted in the international human rights principle of non-refoulement or non-return. From the French

verb *refouler*, “to force back,” the principle forbids governments from returning people to countries where their life or freedom would likely be threatened. This bedrock, mandatory duty of nations has roots in the eighteenth-century philosophy of Immanuel Kant, who argued that people have a moral duty to help others, even if they are strangers, provided doing so does not endanger the giver of aid. Kant’s principle of hospitality entitles strangers seeking entry into a community the right to enter temporarily without being treated as enemies, if turning the strangers away would lead to their deaths. The prohibition on *refoulement* appeared for the first time in a major international law document in the 1933 League of Nations Convention Relating to the International Status of Refugees. If the United States had recognized the principle in 1939, it might not have blocked the *M.S. St. Louis*—a ship filled with Jewish families fleeing Nazi Germany—from docking in Miami.

The genocide of World War II moved the international community to establish the United Nations and commit to guaranteeing all people certain human rights. In 1948, the United Nations adopted the Universal Declaration of Human Rights. Three years later, the United Nations Convention Relating to the Status of Refugees codified principles to govern the treatment of refugees, including the principle of non-*refoulement*. Under Article 33 of the Convention, “No Contracting State shall expel or return (*refouler*) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.” President Truman declined to sign the Convention, believing it infringed on U.S. sovereignty. Twenty years later, President Johnson, citing “the American heritage of concern for the homeless and persecuted,” persuaded Congress to give its advice and consent to the 1967 Protocol Relating to the Status of Refugees, which incorporated Article 33 of the Convention. The protection enshrined in Article 33

now appears in domestic immigration law in the Immigration and Nationality Act.

So Abdulahi had a right to apply for protection, but the United States, unlike other countries, chooses to lock up many asylum seekers while they pursue their cases. He would have to petition for asylum from a jail cell, and it would take a long time. Abdulahi's asylum case dragged on for weeks, then months, and then a full two years before it made its way from the immigration judge in Georgia to an administrative appeals court, which made the final decision—a denial. It was not unusual for an immigration case, or an immigrant's incarceration, to stretch so long. Nor was the denial in Abdulahi's case surprising. Despite the gut-wrenching violence in Somalia, Somali asylum cases are hard to win. It's not enough that a person reasonably fear being harmed. The feared violence must be on account of one of the five grounds for asylum—political opinion, race, religion, nationality, or membership in a particular social group. And the rules are daunting for when a person's testimony must be supported by other, more objective, evidence. Most importantly, the odds of winning have as much to do with the law as they do with the judge who hears the case. The disparities in adjudications are so extreme that advocates refer to the asylum system as “refugee roulette.”

Unlike Sa'id, Abdulahi was an asylum seeker and had never been at liberty in the United States. For two years, correctional officers had controlled every aspect of Abdulahi's existence, from the 5:30 a.m. wake-up to TV-off at 11 p.m. His chance to eat and take one hour of fresh air per day all occurred on a schedule. Jail administrators rationed everything from small bottles of liquid soap and toilet paper to food and medical care. Abdulahi could not even find silence. The clanking of metal doors, alarms, and buzzers, and the din of the television and other detained men's voices, often raised and sometimes shouting, meant it was never quiet inside the detention center's concrete walls.

During his two years in detention, Abdulahi did his best to keep busy, always the first to volunteer to work in the kitchen or the laundry room or to clean the bathrooms. He worked hard, just like he had running small stores during his time in South Africa, but for only pennies of compensation. He needed the meager earnings to fund his jail commissary account to pay for phone calls, extra soap and shampoo, and the occasional snack. He also worked because he understood the value of distraction to surviving detention.

On the morning of his scheduled deportation from the Alexandria Staging Facility, Abdulahi was asleep when a correctional officer banged open his cell door at 2:30 a.m. The officer entered, gripping a tangle of wrist and leg chains to shackle Abdulahi and Ali for the flight. Abdulahi sat up and eased himself down from the upper bunk. He was no stranger to being in irons. All he—and so many other asylum seekers detained by ICE—had done was ask the United States to protect him. Nonetheless, ICE agents fastened metal cuffs and chains around Abdulahi’s wrists, waist, and legs every time they transported him anywhere, even to see a doctor. Abdulahi had become skilled at playing the pleasant prisoner, hoping the correctional officers would not ratchet the shackles too tight, hurl racial slurs, or shove him around. But the constant performance was exhausting, and he remained at their mercy.

For thousands of years, humans have asserted power and authority over others through cuff-like restraints. Greek myths refer to “fetters,” as do the Bible and the Qur’an. ICE has a list of handcuffs approved for use on people in its custody. The September 2017 list of Authorized Restraint Devices included Hiatt-Thompson 2010 Chain Link Cuffs. Founded in 1780, the British company Hiatt first mass-produced restraints for the American slave industry. Its handcuffs from the mid-1800s incorporated a short chain that tethered two U-shaped cuffs with a locking hinged bar across the end

to encircle the wrists of enslaved people. A hunting and outdoor website selling the handcuffs describes the company’s legacy: “Similar to when the restraints were built hundreds of years ago in England, today’s Hiatt handcuffs are designed to meet the needs of law enforcement personnel through a variety of unique features.”

The evolution of modern handcuffs has focused on law-enforcement convenience rather than the safety or comfort of the people who wear them. In the early twentieth century, law enforcement started using swing cuffs, the predecessor to today’s handcuffs. Swing shackles are hinged metal bands that close on teeth inside. The spring system in the swing design allows quick one-handed shackling. A squeeze activates the one-way ratchet, making the cuffs easy to tighten. Loosening requires unlocking with a key. Some modern cuffs use a central metal piece to make them rigid once locked in place, restricting independent hand movement. Instead of a rigid connector, some cuffs use a short chain that joins the wrist shackles and a second chain that tethers the cuffs to the restrained person’s waist, allowing limited range of motion.

Prior to 2012, ICE shackled people during transportation only after an individual assessment that considered a person’s age, sex, physical or medical conditions, criminal history, behavior patterns, and potential influence of drugs or alcohol. Regulations required officers to give an “articulated reason” for using shackles. Then, during the Obama Administration, ICE adopted an across-the-board policy of shackling. This shift coincided with a growing reliance on charter flights—a way to efficiently deport large numbers of people while keeping the process in the shadows—and a dramatic increase in deportations. Deportations had multiplied by a factor of 13, from 30,000 in the late 1990s to 400,000 in 2016. ICE Air Operations—the government unit in charge of deportations by plane—switched from buying tickets on commercial flights to contracting with private