

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

VALDECI PACHECO DE OLIVEIRA,
Petitioner,

v.

LUIS SOTO,
in his official capacity as Director/Warden of
Delaney Hall Detention Facility;

JOHN TSOUKARIS,
in her official capacity as Field Office Director,
New Jersey Field Office, U.S. Immigration &
Customs Enforcement;

PAMELA BONDI,
in his official capacity as Attorney General, U.S.
Department of Justice;

KRISTI NOEM,
in his official capacity as Acting Secretary, U.S.
Department of Homeland Security; and

TODD M. LYONS,
in his official capacity as Acting Director, U.S.
Immigration & Customs Enforcement;

Respondents.

Civil Action No.:
2:25-cv-16604

**MOTION FOR TEMPORARY
RESTRAINING ORDER
&
AMENDED PETITION FOR WRIT OF
HABEAS CORPUS PURSUANT
TO 28 U.S.C. § 2241**

MOTION FOR TEMPORARY RESTRAINING ORDER

Petitioner, Valdeci Pacheco De Oliveira (“Mr. Oliveira”), respectfully moves before this Honorable Court for a Temporary Restraining Order and/or Preliminary Injunction, to enjoin the Respondents from continuing his unlawful detention during the pendency of his habeas corpus petition filed under 28 U.S.C. § 2241.

Since August 30, 2025, Mr. Oliveira has been detained by U.S. Immigration and Customs Enforcement (“ICE”). The corresponding habeas petition challenges his unlawful detention with his Bona Fide U-Visa Determination and pending final approval for a U-Visa, his inevitable

prolonged detention based on USCIS's wildly backlogged processing times for final U-Visa decisions (*USCIS statistics reflect decisions taking as long as ten years; See, Exhibit E to the corresponding habeas petition*), and the unconstitutional punitive conditions endured by Mr. Oliveira while in ICE custody.

To obtain a temporary restraining order and/or injunction, a movant must demonstrate that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest." *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). *Hope v. Warden York Cnty. Prison*, 972 F.3d 310, 320 (3d Cir. 2020).

First, Mr. Oliveira is likely to succeed on the merits being that he has raised substantial constitutional and statutory claims in his habeas petition that demonstrate his continued detention violates the Fifth Amendment Due Process Clause.

Second, and absent the preliminary relief sought, Mr. Oliveira will suffer irreparable harm by continual deterioration of his mental health, potential transfer to differing detention centers across the nation, and being subjected to punitive conditions such as being served food ridden with mold, being threatened with solitary confinement, and being awoken in the middle of the night to have shackles placed on him and be thrown in a transportation vehicle with no explanation whatsoever.

Third, the harm endured by Mr. Oliveria full-heartedly outweighs any minimal, or rather alleged burden on the government by continuing his unlawful detention - if anything, the government is burdening itself by fiscally detaining Mr. Oliveira and wasting judicial resources.

Fourth, the public interest is served by ensuring compliance with the Constitution and preserving judicial review under 28 U.S.C. § 2241.

For the foregoing reasons, Petitioner respectfully requests that this Court: 1. Issue a Temporary Restraining Order enjoining Respondents from continuing to Petitioner's detainment until resolution of the habeas petition; 2. Set a hearing date for a preliminary injunction; and 3. Grant any further relief the Court deems just and proper.

**AMENDED PETITION FOR WRIT OF HABEAS CORPUS PURSUANT
TO 28 U.S.C. § 2241**

Petitioner, Mr. Oliveira, respectfully petitions this Honorable Court for a writ of habeas corpus to remedy his unlawful detention by Respondents, as follows:

INTRODUCTION

1. Petitioner Valdeci Pacheco de Oliveira ("Mr. Oliveira") is a citizen of Brazil who initially traveled to the United States ("U.S.") in April 2002, at the age of twenty-three. Mr. Oliveira is a loving father to his two children, a pillar of his community, and a law-abiding New Jersey resident.
2. On August 30, 2025, during a ICE check-in, Mr. Oliveira was taken into ICE custody.
3. On January 20, 2023, Mr. Oliveira filed a petition for U Nonimmigrant Status ("U-Visa"), along with a I-765, Application for Employment Authorization. *See, Exhibit B: U-Visa Petition ("Exhibit B")*. In response to said petition, on May 14, 2024, Mr. Oliveira obtained a Bona Fide Determination Notice. *See, Exhibit C: I-797, Bonafide Determination Notice ("Exhibit C")*. Further, and because United States Citizenship and Immigration Services ("USCIS") determined his petition is bona fide, Mr. Oliveira was granted employment authorization and deferred action – **the grant in deferred action prevents Mr. Oliveira's physical deportation from the U.S.** *See, Exhibit D: Employment Authorization Document ("Exhibit D")*.
4. While in ICE custody, Mr. Oliveira has not been afforded a bond hearing.

5. Mr. Oliveira's detention is unlawful and being held without the opportunity to be heard, lack of access to sanitary conditions, and punitive confinement conditions violates the Due Process Clause of the Fifth Amendment.
6. Mr. Oliveira respectfully requests that this Court grant him immediate release from detention, or, in the alternative, the Court should order an immediate bond hearing to ensure Mr. Oliveira's detention bears a reasonable relation to the government's interests.

PARTIES

7. Mr. Oliveira has been detained by Respondents since August 30, 2025, at Delaney Hall Detention Center ("Delaney").
8. Respondent Luis Soto is named in his official capacity as the Director/Warden of Delaney. Mr. Soto is responsible for the operation of Delaney, where Mr. Oliveira is currently detained.
9. Respondent John Tsoukaris is named in his official capacity as the Director of the New Jersey Field Office for ICE. Mr. Tsoukaris is responsible for arrests, processing, detention, production, transfer, and release of individuals in removal proceedings. He is a legal custodian of Mr. Oliveira.
10. Respondent Pamela Bondi is named in her official capacity as the U.S. Attorney General ("AG"). AG Bondi is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103(g) and oversees the Executive Office for Immigration Review ("EOIR"). She is a legal custodian of Mr. Oliveira.
11. Respondent Kristi Noem is named in her official capacity as the Acting Secretary of the U.S. Department of Homeland Security ("DHS"). Ms. Noem is responsible for the administration of immigration laws under 8 U.S.C. § 1103(a) and oversees ICE. She is a legal custodian of Mr. Oliveira.

12. Respondent Todd M. Lyons is named in his official capacity as the Acting Director of ICE. Mr. Lyons is responsible for the administration of federal immigration law and the execution of detention and removal determinations. He is a legal custodian of Mr. Oliveira.

JURISDICTION

13. This Court has proper jurisdiction over Mr. Oliveira’s Petition for Writ of Habeas Corpus. As per 28 U.S.C. § 2241, this Court has the discretion to evaluate and grant the instant writ of habeas corpus. Under 28 U.S.C. § 1331, this Court has original jurisdiction over the federal issue arising in this matter. Article I, § 9, cl. 2 of the United States Constitution, the Suspension Clause, protects the privilege of habeas corpus. The All-Writs Act, 28 U.S.C. § 1651, grants this Court with remedial authority to issue this necessary writ. The Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, specifically allows this Court to grant injunctive and declaratory relief if it sees fit.
14. Federal district courts have jurisdiction to hear habeas corpus claims by noncitizens challenging the lawfulness or constitutionality of their detention by DHS; as well as claims by noncitizens seeking to protect their due process rights. *See, Jennings v. Rodriguez*, 138 S. Ct. 830, 840-41 (2018).
15. Mr. Oliveira’s current detention as enforced by Respondents constitutes a “severe restraint [on his] individual liberty,” such that he is “in custody in violation of the Constitution or laws ... of the United States.” *Hensley v. Municipal Court*, 411 U.S. 345, 351 (1973); 28 U.S.C. § 2241(c)(3).

VENUE

16. Venue is proper in the District of New Jersey. Pursuant to 28 U.S.C. § 2241(d), a writ of habeas corpus may be filed in the district where the Petitioner is held in custody. Under 28 U.S.C. §

1391 (b) (2), a proper venue is where a substantial part of the events and omissions gave rise to the claim.

17. Mr. Oliveira is currently in ICE custody at Delaney, where a substantial part of the events giving rise to his habeas claim occurred. Due to custody location and occurrence in events, it is proper to file in the District of New Jersey.

EXHAUSTION


18. No statutory exhaustion requirements exist as to Mr. Oliveira's unlawful detention claims. *Callwood v. Enos*, 230 F.3d 627, 634 (3d Cir. 2000).

19. Although exhaustion is not statutorily required when challenging detention under 28 U.S.C. §2241, many courts still require proof of exhaustion largely to the appropriate agency's benefit. *Id.*

20. There are several exceptions that courts consider when evaluating exhaustion requirements. An immigrant detainee advancing a due process claim is likely to be exempt because "the Board of Immigration Appeals ("BIA") does not have jurisdiction to adjudicate constitutional issues." *Khan v. United States AG*, 448 F.3d 226, 228 (3d Cir. 2006).

21. Mr. Oliveira is not required to prove exhaustion because he is advancing due process claims in the instant habeas petition.

STATEMENT OF FACTS

22. Mr. Oliveira was born on  in Teofilo Otoni, Minas Gerais, Brazil. In hopes of providing a financially stable future for his then pregnant wife and daughter on the way, he traveled to the U.S. in April 2002. *See, Exhibit A: Declaration of Valdeci Pacheco de Oliveira in Support of his Habeas Petition*, ¶ 1, 5 ("Exhibit A"). Later that year, Mr. Oliveira's daughter, Yasmin Oliveira, was born in Brazil. *Id.* at ¶ 5.

23. In December 2005, his then wife and daughter decided to join him in the states. That same month, Mr. Oliveira fell victim to a brutal robbery; [REDACTED]
[REDACTED] After Mr. Oliveira diligently worked with the police, the men, who relentlessly assaulted Mr. Oliveira, were arrested. Following this wildly traumatizing event, Mr. Oliveira attempted to carry on and stay strong for his wife and daughter, however as time went on Mr. Oliveira never regained a sense of safety. In hopes of finding psychological assistance, in 2009 Mr. Oliveira and his family returned to Brazil. While in Brazil, Mr. Oliveira welcomed another child, [REDACTED] [REDACTED] in August 2015. *Id.* at ¶ 6.

24. Due to the fact Mr. Oliveira's emotional stability never improved in Brazil, that his financial situation was dire, and that he missed his life in the U.S., he returned to the states in July 2022. *Id.* at ¶ 9.

25. Upon returning to the U.S., Mr. Oliveira started his own business, Brazilian Painting and Home Improvement, which is his family's main source of income, and with taking his prescribed anxiety and depression medication, Mr. Oliveira's mental health started to improve. *Id.* at ¶ 10.

26. Mr. Oliveira is a loving husband and father of two children, a law-abiding individual without any criminal record, a pillar of his community, and a victim of a heinous crime in the U.S.

Mr. Oliveira's Proceedings

27. On January 20, 2023, Mr. Oliveira filed a petition an I-918, U Nonimmigrant Status, along with an I-765, Application for Employment Authorization. *Exhibit B*. In response to said petition, on May 14, 2024, Mr. Oliveira obtained a Bona Fide Determination Notice granting employment authorization and deferred action. *Exhibit C & Exhibit D*. The U-Visa petition

itself is still pending.

Mr. Oliveira's ICE Detention

28. On August 30, 2025, Mr. Oliveira was taken into ICE custody and detained at Delaney - Mr. Oliveira has endured an array of punitive conditions.

29. During his first day at Delaney, Mr. Oliveira was crammed in a tiny, ice-cold processing room with many other detainees for twelve hours and not provided any food. *Exhibit A*, at ¶ 5.

30. After processing, he was directed towards one of the facility's sleeping rooms, which he remains in to this day. Mr. Oliveira shares this 20 by 15-foot windowless room with about fifteen other detainees. The number of people in the room ranges day by day from between ten to twenty detainees – as soon as some detainees leave, ICE brings in more. *Id.* at ¶ 17.

31. Mr. Oliveira was provided a bed that is as hard as a rock, a pillow, and a blanket that falls apart upon use. Due the severe back pain caused from sleeping on the “bed,” Mr. Oliveira ended up visiting Delaney's medical facility to assist with the pain. *Id.* at ¶ 18.

32. During the day, Mr. Oliveira is permitted only one hour of outside activities, but other than that he is trapped in the facility. *Id.* at ¶ 20.

33. Mr. Oliveira is required to utilize filthy bathrooms and showers riddled with pitch black mold. *Id.* at ¶ 21.

34. Throughout the night, guards enter the room and flash lights in Mr. Oliveira's eyes. *Id.* at ¶ 22.

35. Additionally, when attempting to talk and share how he is feeling with the guards, Mr. Oliveira is threatened with solitary confinement. *Id.* at ¶ 23.

36. Concerning food served by Delaney, Mr. Oliveria has received food with mold all over it, the packaged meals are often well past expiration date, at times the meals are still frozen, and simply put, the often just small rotten. *Id.* at ¶ 24.
37. While at Delaney, Mr. Oliveira’s mental health has been at an all-time low. The medication provided by the facility makes Mr. Oliveira sleep all day and during periods he is awake, persistent panic attacks set in. *Id.* at ¶ 25.
38. Frighteningly, at one point during Mr. Oliveira’s detention, guards woke him up in the middle of the night, pulled him out of bed, placed shackles on his wrists and threw him in a bus. Eventually, the bus came to a stop and upon being directed to exit the bus, Mr. Oliveira realized he was at the airport. While awaiting the next order from the guards, Mr. Oliveira overheard an ICE agent state that he couldn’t leave the country. Thereafter, Mr. Oliveira was brought back to Delaney. *Id.* at ¶ 26.
39. To this day, Mr. Oliveira remains in ICE custody at Delaney.

LEGAL FRAMEWORK

I. MR. OLIVEIRA IS LIKELY TO SUCCEED ON THE MERITS OF HIS CLAIMS THAT HIS DETENTION IS UNLAWFUL & VIOLATES HIS DUE PROCESS RIGHTS.

40. The Due Process Clause of the Fifth Amendment is applicable to all individuals in the United States; moreover, every immigrant, regardless of status or lack thereof, is entitled to due process protections. *Zadvydas v Davis*, 533 US 678, 682 (2001); *Demore v. Kim*, 538 U.S. 510, 523 (2003); *Reno v. Flores*, 507 U.S. 292, 3061 (1993); *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976). Even further, individuals navigating our immigration system in pursuit of lawful status have a right to be noticed, meaningfully heard and protected from governmental constraints, which deprive them of any liberty or property interests. *Landon v. Plasencia*, 459

US 21, 34 (1982). Specifically concerning detainment, the Supreme Court has held that civil detention “for any purpose constitutes a significant deprivation of liberty that requires due process protection.” *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992).

A. Mr. Oliveira currently has a pending, and meritorious, U-Visa and his continued detention will inevitably be unconstitutionally prolonged due to processing times.

41. The U nonimmigrant status (“U-Visa”) is designed to protect victims of certain crimes who have suffered substantial mental or physical abuse and are helpful to law enforcement or government officials in the investigation or prosecution of criminal activity. 8 U.S. Code § 1101(a)(15)(U). Moreover, the specific eligibility requirements include being a victim of a qualifying crime, having suffered physical or mental abuse as a result of having been a victim of criminal activity, having information about said criminal activity, being helpful to law enforcement, the crime having occurred in the United States, and admissibility. *Id.*

42. While a U-Visa is pending, USCIS will determine whether said petition is bona fide – a bona fide petition is “made in good faith; without fraud or deceit.” *See, USCIS, Policy Manual, Vol. 3, Part C, Ch. 5.* If USCIS determines an individual has a bona fide petition and a warrant of favorable discretion, USCIS will issue a work authorization, grant deferred action, and place the individual on the final approval waitlist. *Id.* Even further, a grant in deferred action is a protection from physical removal from the United States pending the finality of the U-Visa petition.

43. Pursuant to 8 U.S.C. § 1184(p)(2)(A), only 10,000 U-Visas can be issued each year. Upon reaching the 10,000 cap “[a]ll eligible petitioners who, due solely to the cap, are not granted U-1 nonimmigrant status *must* be placed on a waiting list.” 8 C.F.R. § 214.14(d)(2). Due to this extremely minimal cap, and a surge in U-Visa petitions, for over a decade now there has been significant yearly rollover in applications. USCIS has already met

the fiscal year 2025, 10,000 cap and as per USCIS statistical U-Visa backlog, for fiscal years ranging between 2009 to 2025, there is a total of 409,196 petitions in backlog. *Exhibit E: USCIS, Number of Form I-918 Petitions for U Nonimmigrant Status Statistics*, https://www.uscis.gov/sites/default/files/document/data/I918_FY23_Q1.pdf (“*Exhibit E*”).

44. This outstanding backlog results in individuals, who already received a bona fide determination and placement on the final waitlist, to wait, at a minimum, several years for a final U-Visa approval.
45. On January 20, 2023, and as a result of falling victim to a brutal robbery, Mr. Oliveira filed a petition an I-918, U Nonimmigrant Status. *Exhibit B*. In response to said petition, on May 14, 2024, Mr. Oliveira obtained a Bona Fide Determination Notice granting employment authorization and deferred action. *Exhibit A, Exhibit C, Exhibit D*. Mr. Oliveira’s U-Visa petition is pending and, as evidenced by USCIS’s statistics, will continue to pend for years on end.
46. Should Mr. Oliveira remain in ICE custody, which will happen unless the instant habeas petition is granted due to the deferred action protection set forth in his Bona Fide determination, his confinement will inevitably result in unreasonably prolonged, post-removal confinement well beyond the six-month presumption set forth by the United States Supreme Court. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *German Santos v. Warden Pike Cty. Corr. Fac.*, 965 F.3d 203, 208 (3d Cir. 2020); *Diop v. ICE/Homeland Sec.*, 656 F.3d 221, 232-33 (3d Cir. 2011); *Chavez-Alvarez v. Warden York County Prison*, 783 F.3d 469, 478 (3d Cir. 2015).
47. In summation, Mr. Oliveira has a meritorious U-Visa claim evidenced by the Bona Fide Determination notice, Mr. Oliveira has deferred action protecting him from physical removal from the United States, and the wildly long processing times will cause Mr. Oliveira to endure

prolonged detention by ICE in violation of the Constitution and a longline of Supreme Court decisions. The foregoing reasons necessitate Mr. Oliveira's release from ICE detention or, and at the very least, an immediate bond hearing.

B. Regardless of the length of detention, Mr. Oliveira is still entitled to a bond hearing due to the pending, and meritorious, U-Visa.

48. Upon an individual evidencing a liberty or property interest, a Court must determine whether constitutionally sufficient procedures were provided by balancing: First, the private interest that will be affected by the official action; Second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural requirement would entail; and Finally, the government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail. *Mathews*, 424 U.S. at 335.
49. Immigrants facing deportation and removal proceedings have a deep-rooted liberty interest – **“the right to stay and live and work in this land of freedom.”** *Bridges v. Wixon*, 326 U.S. 135, 154 (1945).
50. Mr. Oliveira is entitled to the protections of the 5th Amendment Due Process Clause. First, Mr. Oliveira has a significant liberty interest in remaining the United States – he has built home, career, and financial stability for his family in the United States. The government has failed to evidence any reason to continue confinement: Mr. Oliveira is not a flight risk, Mr. Oliveira has no criminal record, and Mr. Oliveira is not a danger to the community.
51. Second, in light of the Constitution, the INA and its applicable regulations, Respondents have procedurally deprived and continue to risk deprivation of Mr. Oliveira's due process rights. When evaluating the second *Mathews* prong “the only interest to be considered . . . is that of the detained individuals—not the government.” *Black v Director Thomas Decker*, 103 F.4th

133, 152 (2d Cir 2024). Without any regards, Respondents have violated Mr. Oliveira’s due process rights tenfold: Mr. Oliveira was wrongfully detained with a grant of deferred action; ICE’s efforts to prematurely deport and confine Mr. Oliveira before USCIS may adjudicate his U-Visa petition constitutes a deprivation in his liberty interest to stay in the United States and due to the improper arrest, Mr. Oliveira was thrown in a detention center without the opportunity to be heard for bond – upon a bond hearing, Mr. Oliveira will demonstrate he is neither a flight risk nor a danger to community. Due to Respondent’s unjustified arrest of Mr. Oliveira, an astonishing snowball effect of due process violations have occurred and will continue to occur so long as Mr. Oliveira is detained.

52. Third, the interest of enforcing immigration policies would be valid if the government was even following said policies – Mr. Oliveira was improperly detained based with his pending U-Visa and Bona Fide Determination granting deferred action. *Exhibit B & C*. Regardless, any additional or substitute procedural requirement would not burden the government whatsoever - if anything, the government is burdening itself by fiscally detaining Mr. Oliveira and wasting judicial resources.

53. All three Mathews factors, weigh heavily in Mr. Oliveira’s favor. Moreover, Mr. Oliveira has established that Respondents violated his due process rights, which warrants his immediate release from ICE custody or in the alternative, an immediate bond hearing.

C. Mr. Oliveira is neither a flight risk nor danger to the community.

54. Immigration detention is civil and must “bear a reasonable relation to the purpose for which the individual [is] [detained]” so that it remains “nonpunitive in purpose and effect.” *Id.* at 690. Further, and to comport with due process, there are only two legitimate regulatory purposes for immigration detention to ensure the appearance of noncitizens at future hearings

and to prevent danger to the community pending the completion of removal. *Zadvydas*, 533 U.S. at 690-691; *Diop v. ICE*, 656 F.3d 221, 233–234 (3d Cir. 2011).

55. Mr. Oliveira is not a flight risk and will appear at all future immigration proceedings. For years, Mr. Oliveira has lived in the United States- he has built a home, career, and financial stability for his family in New Jersey.

56. Mr. Oliveira is not a danger to the community – he has no criminal record, whatsoever. In fact, Mr. Oliveira is a significant member of the community and contributes thereof through his business.

57. No legitimate interests exist as to Mr. Oliveira’s detention, rather the government is detaining Mr. Oliveira along with countless others swept up in ICE check-in arrests, for the understandable but illegitimate reason that he was easy to locate. At the time of his arrest, Mr. Oliveira was attempting to lawfully navigate our immigration system by attending his ICE check-in. Due to pure accessibility, Mr. Oliveira was detained without any opportunity to heard.

58. All of the preceding factors warrant an opportunity for Mr. Oliveira to be released or, at the very least, given the opportunity to be heard or release thereof.

D. The conditions of Mr. Oliveira’s confinement are punitive in violation of the Fifth Amendment.

59. The Fifth Amendment protects immigrant detainees from punitive confinement conditions. Since immigrant detainees are civilly detained, the Eighth Amendment’s cruel and unusual standard is inapplicable; the idea is that immigrant detainees must not be subject to punishment at all, let alone cruel and unusual punishment. *E. D. v. Sharkey*, 928 F.3d 299, 307 (3d Cir. 2019). Conditions that violate the Eighth Amendment necessarily violate the Fifth Amendment. *Bell v. Wolfish*, 441 U.S. 520, 535 (1979). A plethora of cases, whether

applying the Eighth Amendment to criminal detainees or Fifth Amendment to immigrant detainees, evidence that Mr. Oliveira's confinement is highly punitive and violates the Due Process Clauses in multiple regards.

60. The totality of the circumstances test is applied to determine whether the conditions of confinement constitute cruel and unusual punishment. Relevant considerations in the immigration detention context include assessing maintenance of sanitary conditions and maintaining detention conditions that are distinct from criminal detention. *Tillery v. Owens*, 907 F.2d 418, 420 (3d Cir. 1990); *Chavez-Alvarez v. Warden York County Prison*, 783 F.3d at 478 (3d Cir. 2015).

a. **Unsanitary Conditions**

61. Detention facility conditions violate the Eighth Amendment when detainees are “deprived of the minimal civilized measure of life's necessities” and the facility and/or prison officials act with deliberate indifference. *Tillery*, 907 F.2d at 426. Deliberate indifference of a detainee's health or safety means the “official knows of and disregards an excessive risk to inmate health or safety.” *Farmer v Brennan*, 511 US 825, 828 (1994).

62. Severe overcrowding and unsanitary conditions constitutes such a deprivation that amounts to cruel and unusual punishment. *Id.*

63. The egregious confinement conditions at Delaney are not only well-known to the detainees trapped behind its walls, but to the public at large including the Department of Homeland Security. As per a prior inspection report, DHS found a host of food safety and living condition violations endured by detainees. Concerning the food served to inmates, DHS found: widespread mishandling of food ranging from service of moldy bread, “slimy, foul-smelling lunch meat,” “raw chicken leaking blood all over refrigeration units,” and service of

meat “that smelt like fecal matter.” *Exhibit F: DHS 2019 Office of Inspector General Report (“Exhibit F”)*. Concerning environmental conditions, DHS found: leaking ceilings dripping directly onto detainee beds, showers laced with mold and peeling paint, dilapidated beds requiring detainees to utilize bedsheets to tie the seams of the mattress together, and lack in access to recreation space outside of their living area. *Id.*

64. As of June 2025, seemingly the disastrous infrastructure of Delaney has not improved, which is evidenced by the “escape” of four immigrant detainees. As a result of the conditions they endured, ranging from sleeping on the floor, limited to drinking foul-tasting water for hydration, and going hours on end without food just to be served slices of bread as a meal, four detainees were able to “escape” the facility by punching through the exterior wall of the jail. *Exhibit G: Inside the Tumult That Led 4 Men to Escape From a Migrant Facility, NYTimes Article (June 2025) (“Exhibit G”)*.

65. Inhumanely, and against DHS protocols, several of these conditions still exist to this day and are endured by Mr. Oliveira.

66. During his first day at Delaney, Mr. Oliveira was crammed in a tiny, ice-cold processing room, with many other detainees, for twelve hours and without any food. *Exhibit A*, at ¶ 5. Thereafter, Mr. Oliveira was transferred to another overcrowded 20 by 15-foot windowless room with about fifteen other detainees. The number of people in the room ranges day by day from between ten to twenty detainees – as soon as some people leave, ICE brings in more. *Id.* at ¶ 17.

67. Mr. Oliveira is required to utilize filthy bathrooms and showers riddled with pitch black mold. *Id.* at ¶ 21.

68. Concerning food served by Delaney, Mr. Oliveira has received food with mold all over it, the packaged meals are often well past expiration date, at times the meals are still frozen, and simply put, the often just small rotten. *Id.* at ¶ 24.

69. While in Respondents' custody, the range of egregious and unsanitary conditions endured by Mr. Oliveira include, but are not limited to, being crammed in rooms overflowing with other detainees, given moldy and expired meals to consume, being required to utilize filthy bathrooms and showers riddled with pitch black mold, and so on. Respondents have deprived Mr. Oliveira of "minimal civilized measure of life's necessities" and both facilities have acted with deliberate indifference. *Tillery*, 907 F2d at 426.

70. This treatment breaches detainees' rights to sanitary conditions and exposes them to health hazards, violating Mr. Oliveira's Fifth Amendment rights.

b. Punitive Conditions

71. Again, immigrant detainees must not be subject to punishment at all, let alone cruel and unusual punishment and if a detained immigrant's civil detention looks penal, the scales tilt toward finding the detention unreasonable. *E. D.*, 928 F.3d at 307; *Chavez-Alvarez v Warden York County Prison*, 783 F3d 469, 478 (3d Cir 2015).

72. At Delaney, Mr. Oliveira was provided a bed that is as hard as a rock, a pillow, and a blanket that falls apart upon use. Due to the severe back pain caused from sleeping on the "bed," Mr. Oliveira ended up visiting Delaney's medical facility to assist with the pain. *Id.* at ¶ 18.

73. During the day, Mr. Oliveira is permitted only one hour of outside activities, but other than that he is trapped in the facility. *Id.* at ¶ 20.

74. Throughout the night, guards enter the room and flash lights in Mr. Oliveira's eyes. *Id.* at ¶ 22.

75. Additionally, when attempting to talk and share how he is feeling with the guards, Mr. Oliveira is threatened with solitary confinement. *Id.* at ¶ 23.
76. Frighteningly, at one point during Mr. Oliveira’s detention, guards woke him up in the middle of the night, pulled him out of bed, placed shackles on his wrists and threw him in a bus. Eventually, the bus came to a stop and upon being directed to exit the bus, Mr. Oliveira realized he was at the airport. While awaiting the next order from the guards, Mr. Oliveira overheard an ICE agent state that he couldn’t leave the country. Thereafter, Mr. Oliveira was brought back to Delaney. *Id.* at ¶ 26.
77. Being threatened with **solitary confinement**, being trapped inside a facility with only one hour of outside activities, receiving bedding that causes severe back pain, receiving food so moldy that cannot be consumed, **being woken up in the middle of the night, and having shackles placed on his wrists for unknown transportation** are all wildly punitive conditions that go beyond mirroring criminal confinement – criminals in this nation are treated better than Mr. Oliveira has been treated.
78. Mr. Oliveira 's immigration detention bears an uncanny resemblance to criminal confinement, in violation of his Due Process Rights.

CLAIMS FOR RELIEF

COUNT ONE

VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO THE UNITED STATES CONSTITUTION (SUBSTANTIVE DUE PROCESS)

1. Petitioner re-alleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.

2. Mr. Oliveira is not a flight risk nor is he a danger to the community. Respondents' detention of Mr. Oliveira is therefore unjustified and unlawful. Accordingly, Mr. Oliveira is being detained in violation of his Constitutional right to Due Process under the Fifth Amendment.

COUNT TWO

VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO THE UNITED STATES CONSTITUTION (PROCEDURAL DUE PROCESS)

3. Petitioner re-alleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.
4. The Due Process Clause of the Fifth Amendment protects all "person[s]" from deprivation of liberty "without due process of law."
5. Mr. Oliveira is entitled to the protections of the 5th Amendment Due Process Clause. First, Mr. Oliveira has a significant liberty interest in remaining the United States. Second, in light of the Constitution, the INA and its applicable regulations, Respondents have procedurally deprived and continue to risk deprivation of Mr. Oliveira's due process rights.
6. Third, any additional or substitute procedural requirement would not burden the government whatsoever - if anything, the government is burdening itself by fiscally detaining Mr. Oliveira and wasting judicial resources.
7. **Even further, the risk of prolonged detention, due USCIS's backlog of U-Visa's and the grant in the deferred action, further deprives Mr. Oliveira of his due process rights.**
8. Accordingly, Mr. Oliveira is being detained without sufficient process in violation of his Constitutional right to Due Process under the Fifth Amendment.

COUNT THREE

**THE EGREGIOUS CONFINEMENT CONDITIONS ENDURED BY MR.
OLIVEIRA VIOLATES THE FIFTH AMENDMENT RIGHT TO SUBSTANTIVE
DUE PROCESS**

9. Petitioner re-alleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.
10. The Fifth Amendment protects immigrant detainees from punitive confinement conditions. Courts find the existence of punishment when confinement conditions lack a reasonable relationship to a legitimate governmental purpose.
11. The government also violates the Fifth Amendment by acting with deliberate indifference to an immigrant detainee's health and safety.
12. Respondents have knowingly exposed Mr. Oliveira to a substantial risk of serious harm including, but not limited to, cramming Mr. Oliveira in rooms overflowing with other detainees, giving Mr. Oliveira moldy meals to consume, requiring Mr. Oliveira to utilize filthy bathrooms and showers riddled with black mold, threatening Mr. Oliveira with solitary confinement, waking Mr. Oliveira up in the middle of the night to place shackles on him and to be throw him in a bus without any words of where he is going, and so on.
13. Accordingly, being confined with such horrendous conditions violates the Mr. Oliveira's Fifth Amendment Due Process Rights.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Assume jurisdiction over the instant matter;
2. Issue a Writ of Habeas Corpus ordering the immediate release of Petitioner from Respondents custody;

3. In the alternative, grant a Writ of Habeas Corpus ordering an immediate bond hearing to ensure Petitioner's detention bears a reasonable relation to the government's interests; and
4. Order any such other relief as this Court deems just and proper.

Dated: 10/15/25

Respectfully Submitted,



Alexandra Minogue, Esq.
NJ Bar ID: 479582024
Nova Law Group
21 Fulton Street
Newark, NJ 07102
E: aminogue@nova.law
P: 844-844-6682
Counsel for Petitioner

CERTIFICATE OF SERVICE

I, undersigned counsel, hereby certify that on this date, I filed this Petition for Writ of Habeas Corpus and all attachments using the PACER system.

Dated: 10/15/25

Respectfully Submitted,



Alexandra Minogue, Esq.
NJ Bar ID: 479582024
Nova Law Group
21 Fulton Street
Newark, NJ 07102
E: aminogue@nova.law
P: 844-844-6682
Counsel for Petitioner


EXHIBIT A


Declaration of Valdeci Pacheco de Oliveira in Support of his Habeas Petition

1. My name is Valdeci Pacheco de Oliveira, and I was born on [REDACTED] in Teofilo Otoni, Minas Gerais, Brazil. For years, I have lived in United States without any criminal record – while here, I have built a home, career, and financial stability for my family.
2. My immigration detention started on August 30, 2025. I was placed in Delaney Hall Detention Facility (“Delaney”) in Newark, New Jersey.
3. I have struggled deeply with my confinement by ICE. I have received moldy, inedible food on multiple occasions, I am trapped in a dirty prison with very limited outdoor access, I have been threatened with solitary confinement, and my mental health is at an all-time low.
4. In the United States, I have respected the laws, and I have loved this country for all it has permitted me to achieve, but I am being treated as a prisoner for wanting to stay.

LIFE PRIOR TO MY IMMIGRATION DETENTION

5. In April 2002, in hopes of providing a financially stable future for my then pregnant wife and baby on the way, I traveled to the U.S. from Brazil. Later that year, my daughter, Yasmin Oliveira, was born in Brazil.
6. In December 2005, my then wife and daughter decided to join me in the U.S. Not even a month into their arrival, I endured one of the scariest moments of my life - I was robbed at gunpoint. On December 20, 2005, I was called into work to help assist with delivering pizzas. On my first delivery of the night, I arrived at an apartment where I was met by two men who [REDACTED]
[REDACTED] Eventually, I

 After the incident I worked with the police and eventually, officers arrested the men who beat me.

7. It was difficult to carry on after all that had happened, I just felt so unsafe in every aspect of my life, but I needed to stay strong for my wife and daughter.
8. As time went on, I never really regained my sense of safety and my mental health kept declining, so my wife and I made the decision to return to Brazil in 2009. I was hoping to find psychological help so I could stop reliving that night and stop being in a persistent state of fear.
9. Eventually my wife and I separated. I entered a new romantic relationship and in 2015, I welcomed my son,  Sadly, my mental health in Brazil never really improved, my financial situation became dire, and I missed my life in the states, so July 2022, I returned to the U.S.
10. Upon returning to the United States, I started my own company, Brazilian Painting and Home Improvement, which is the main source of income for my family, and with taking my prescribed anxiety and depression medication, my mental health started to improve.
11. In 2023, and through my old lawyer, I filed a petition a U-Visa petition based on the robbery. Later in 2024, I received a Bona Fide Determination Notice granting employment authorization and deferred action.
12. Navigating my lawful status in the United States has been very difficult. Previously, I have hired counsel and paid high fees all to be led astray, however I have kept fighting for my future here.
13. On August 30, 2025, I went to an ICE check-in, and I was detained.

14. On October 8, 2025, I finally got in touch with a law firm, Nova Law Group, that was able to explain my immigration case to me and provide a direction with my detention.

DETENTION AT DELANEY HALL

15. On August 30, 2025, the day I was taken into ICE custody, I was transferred to Delaney and processed. The first day at Delaney was a nightmare: For twelve hours, I was crammed in an ice-cold, processing room with many other detainees and not provided any food.

16. After processing, I was directed towards one of the facility's rooms, which is one of the same rooms I sleep in to this day.

17. I share this 20 by 15-foot windowless room with about fifteen other detainees. The number of people in the room ranges day by day from between ten to twenty detainees – as soon as some people leave, ICE brings in more.

18. I was given a bed that is hard as a rock, a pillow, and blanket that falls apart upon use. Sleeping on the “bed” provided by the facility has caused me severe back pain; in fact, I ended up visiting Delaney's medical facility to assist with said pain.

19. In the room, we all share one phone to get in contact with family, friends, and lawyers.

20. During the day, I am permitted one hour of outside activities, but other than that I am trapped in the facility.

21. The bathrooms are always filthy, and the showers are riddled with black mold.

22. Throughout the night, guards come in the room and flash lights in our eyes– I guess it's to make sure we are all there, but it wakes me up every time.

23. When I try to talk to the guards and tell them how I am feeling, I am threatened with solitary confinement.

24. The food at Delaney is terrible. On multiple occasions, I received food with mold all over it, the packaged meals are often well past expiration date, at times the meals are still frozen, and simply put, the often just small rotten.
25. While at Delaney, my mental health has been at an all-time low. Although Delaney provides me with anxiety and depression medication that helps me sleep most of the day, when I am awake the persistent panic attacks set in.
26. Just last week, guards woke me up in the middle of the night, pulled me out of my bed, placed shackles on my wrists and threw me in a bus. Eventually, the bus came to a stop, and I was directed to get out, which is when I realized I was at the airport. While awaiting the next order from the guards, I overheard an ICE agent state that I couldn't leave the country and that I need to be brought back to Delaney. I was kept shackled for hours without knowing what would happen to me. After that, I was thrown back into the bus and returned to Delaney. To this day, I remain at Delaney.

PLEA FOR RELEASE

27. If released, I will cooperate with any release conditions and will continue to work with Nova Law Group on my immigration proceedings. Further, I also understand that my case will be ongoing. I intend to fully participate in the case but would like to do so while being united with my family.
28. Upon my release and if given the opportunity to remain in the U.S., I will continue to be a law abiding individual, I will continue to work at my business and serve my community in doing so, I will continue to be a loving, grateful, and proud husband and father, and *I will continue to love and respect this country, as I have since the day I entered it.*

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

A handwritten signature in black ink, appearing to read "Valdeci Pacheco de Oliveira", written over a horizontal line.

VALDECI PACHECO DE OLIVEIRA

DATE: 10/13/25

EXHIBIT E

Number of Form I-918 Petitions for U Nonimmigrant Status
By Fiscal Year, Quarter, and Case Status
Fiscal Years 2009-2025



U.S. Citizenship
and Immigration
Services

Period	Victims of Criminal Activities ¹					Petitions by Case Status					Fiscal Year Total					
	Petitions Received ²	Approved ³	Denied ⁴	Pending ⁵	Petitions Received ²	Approved ³	Denied ⁴	Pending ⁵	Petitions Received ²	Approved ³	Denied ⁴	Pending ⁵	Petitions Received ²	Approved ³	Denied ⁴	Pending ⁵
Fiscal Year - Total⁶	6,850	6,045	661	11,740	4,102	2,838	158	9,275	10,952	8,883	819	21,015	6,850	6,045	661	11,740
2009	9,657	10,015	3,995	7,480	6,418	9,315	2,576	6,242	16,075	19,530	6,571	13,722	9,657	10,015	3,995	13,722
2010	14,647	2,007	10,250	10,250	10,033	7,602	1,645	8,329	24,680	17,627	3,652	18,579	14,647	2,007	10,250	18,579
2011	21,141	10,031	1,684	19,824	15,126	7,421	1,465	15,592	36,267	17,452	3,149	35,416	21,141	10,031	1,684	35,416
2012	25,486	10,022	1,840	33,409	18,266	7,724	1,234	24,480	43,752	17,246	3,074	57,889	25,486	10,022	1,840	57,889
2013	26,089	10,077	3,662	45,814	19,297	8,457	2,655	32,948	45,386	18,534	6,317	78,762	26,089	10,077	3,662	78,762
2014	30,129	10,060	2,440	63,779	22,636	7,649	1,257	46,507	52,765	17,709	4,194	110,286	30,129	10,060	2,440	110,286
2015	34,797	10,019	1,761	87,290	25,469	7,624	1,612	63,616	60,266	17,643	3,018	150,906	34,797	10,019	1,761	150,906
2016	37,287	10,011	2,042	112,272	25,703	7,628	1,991	79,971	62,990	17,639	3,554	192,243	37,287	10,011	2,042	192,243
2017	34,967	10,009	2,317	134,714	24,024	7,906	2,397	94,050	58,991	17,915	4,308	228,764	34,967	10,009	2,317	228,764
2018	28,364	10,010	2,733	151,758	18,861	7,846	2,397	103,737	47,225	17,856	5,130	255,495	28,364	10,010	2,733	255,495
2019	22,358	10,013	3,594	170,805	14,090	7,212	2,472	108,366	36,448	17,225	5,165	270,074	22,358	10,013	3,594	270,074
2020	21,874	10,006	2,992	189,381	20,954	7,423	2,803	114,450	37,164	16,731	6,679	285,255	21,874	10,006	2,992	285,255
2021	30,120	10,006	3,806	207,133	21,938	7,889	3,187	137,467	53,142	17,889	6,993	344,600	30,120	10,006	3,806	344,600
2022	31,204	10,000	3,646	238,892	29,383	7,839	3,412	158,071	70,941	17,839	7,058	396,963	31,204	10,000	3,646	396,963
Fiscal Year 2025 by Quarter																
Q1 October - December	11,743	2,486	815	246,137	8,243	1,600	716	163,059	19,986	4,086	1,531	409,196	11,743	2,486	815	409,196
Q2 January - March																
Q3 April - June																
Q4 July - September																
Fiscal Year 2025 - Total	11,743	2,486	815	246,137	8,243	1,600	716	163,059	19,986	4,086	1,531	409,196	11,743	2,486	815	409,196

References:

- Refers to victims of certain criminal activities (U-1) and family members of victims (U-2, 3, 4, 5).
- The number of new petitions received and entered into a case-tracking system during the reporting period.
- The number of petitions approved during the reporting period.
- The number of petitions denied during the reporting period.
- The number of petitions awaiting a decision as of the end of the reporting period. Some actions taken on cases are not reflected in this report such as administrative closures and transfers between offices; thus the total pending counts cannot be calculated using data from previous reporting periods.
- Data unavailable in the reporting system for previous fiscal years.

Notes:

- Some petitions approved, denied, or pending a decision may have been received in previous reporting periods.
- The report reflects the most up-to-date estimate available at the time the database is queried.
- Counts may differ from previous periods due to system updates and post-adjudicative outcomes.
- Approvals reflect the initial decision on a case. The case may have been reopened and revoked at a later date.
- Family Member counts use Performance Reporting Tool data for fiscal years 2009-2012. System data is incomplete prior to 2013.
- Congress set a cap of 10,000 visas per year. Principal petitioners only are counted against the cap; derivatives are not counted toward the annual cap of 10,000 visas. Due to certain errors in USCIS adjudicative systems, a small number of cases each year may be inaccurately excluded from the total cap count resulting in slight overages.
- For a complete list of USCIS forms and descriptions, visit <https://www.uscis.gov/forms>

Sources:

Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Performance and Quality NPD, QAIMS3, and PRT, queried 2/2025, PAER0016760.

EXHIBIT F

OFFICE OF INSPECTOR GENERAL

**Issues Requiring Action
at the Essex County
Correctional Facility in
Newark, New Jersey**



**Homeland
Security**

**February 13, 2019
OIG-19-20**



DHS OIG HIGHLIGHTS

Issues Requiring Action at the Essex County Correctional Facility in Newark, New Jersey

February 13, 2019

Why We Did This Inspection

This inspection is part of an ongoing review of ICE detention facilities. While conducting an unannounced visit to the Essex County Correctional Facility using ICE's 2011 *Performance-Based National Detention Standards*, we identified serious violations.

What We Recommend

We recommend that ICE conduct a full review of the Essex County Correctional Facility and Essex County Department of Corrections' management of the facility immediately to ensure compliance with ICE's 2011 *Performance-Based National Detention Standards*. As part of this assessment, ICE must ensure compliance with the standards addressing reporting incidents involving detainees and facility conditions.

For Further Information:

Contact our Office of Public Affairs at (202) 981-6000, or email us at DHS-OIG.OfficePublicAffairs@oig.dhs.gov

What We Found

During our July 2018 unannounced inspection of the Essex County Correctional Facility in Newark, New Jersey, we identified a number of serious issues that violate U.S. Immigration and Customs Enforcement's (ICE) 2011 *Performance-Based National Detention Standards* and pose significant health and safety risks at the facility. Specifically, we are concerned about the following issues:

- Unreported Security Incidents
- Food Safety Issues
- Facility Conditions

ICE must ensure the Essex County Correctional Facility complies with detention standards to establish an environment that protects the safety, rights, and health of detainees, including more closely scrutinizing the facility's process for reporting incidents involving detainees, the handling of perishable foods, and the detainees' living conditions. Mitigation and resolution of these issues require ICE's immediate attention and increased engagement with the facility and its operations.

ICE Response

ICE concurred with the report recommendation and described corrective actions to address the issues identified in this report. We consider the recommendation resolved and open.




OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Washington, DC 20528 / www.oig.dhs.gov

February 13, 2019

MEMORANDUM FOR: Ronald D. Vitiello
Senior Official Performing the Duties of the Director
U.S. Immigration and Customs Enforcement

FROM: John V. Kelly 
Senior Official Performing the
Duties of the Inspector General

SUBJECT: *Issues Requiring Action at the Essex County
Correctional Facility in Newark, New Jersey*

For your action is our final report, *Issues Requiring Action at the Essex County Correctional Facility in Newark, New Jersey*. We incorporated the formal comments provided by your office.

The report contains one recommendation aimed at improving ICE detention operations. Your office concurred with the recommendation. Based on information provided in your response to the draft report, we consider the recommendation open and resolved.

Once your office has fully implemented the recommendation, please submit a formal closeout letter to us within 30 days so that we may close the recommendation. The memorandum should be accompanied by evidence of completion of agreed-upon corrective actions. Please send your response or closure request to OIGSREFollowup@oig.dhs.gov.

Consistent with our responsibility under the *Inspector General Act*, we will provide copies of our report to congressional committees with oversight and appropriation responsibility over the Department of Homeland Security. We will post the report on our website for public dissemination

Please call me with any questions, or your staff may contact Jennifer L. Costello, Deputy Inspector General, or John D. Shiffer, Chief Inspector, at (202) 981-6000.



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Department of Homeland Security

Background

The Essex County Correctional Facility in Newark, New Jersey, is owned and operated by the Essex County Department of Corrections, and can house up to 928 male U.S. Immigration and Customs Enforcement (ICE) detainees through an Intergovernmental Service Agreement (IGSA) between the Essex County Department of Corrections and ICE. Based on this agreement, the Essex County Correctional Facility must comply with ICE's 2011 *Performance-Based National Detention Standards*, as revised in December 2016. These detention standards establish requirements for areas such as:

- environmental health and safety: e.g., cleanliness, sanitation, security, admission into facilities, classification, detainee searches, segregation¹ (Special Management Units), and disciplinary system;
- detainee care: e.g., food service, medical care, and personal hygiene;
- activities: e.g., religious practices, telephone access, and visitation; and
- grievance system.

In July 2018, we visited the Essex County Correctional Facility as part of our latest round of unannounced spot inspections. At the time, approximately 216 Essex County Department of Corrections' guards oversaw 797 male detainees. At the facility, detainees with prior criminal history are held in 1 of 7 housing units with up to 64 cells holding 2 detainees per cell. Detainees with no criminal history are held in 1 of 7 open bay dormitories, each holding up to 60 detainees. Finally, the Special Management Unit contained eight cells, in a corridor physically separated from inmates, for segregated detainees who had violated facility rules or requested to be separated from other detainees for their safety. While at the facility, we identified serious issues relating to safety, security, and environmental health that require ICE's immediate attention. These issues not only constitute violations of ICE detention standards but also represent significant threats to detainee health and safety.

Failure to Report Guard's Unsecured Loaded Firearm Reflects Ongoing Problem

According to the ICE Standards,² Essex County Correctional Facility must report to ICE any incidents involving detainees. However, the facility failed to

¹ Segregation is the process of separating certain detainees from the general population for administrative, disciplinary, or protective reasons.

² ICE, *Performance-Based National Detention Standards, 2011*, Section 2.4, Facility Security and Control (Revised Dec. 2016). The pertinent part of this standard requires facility administrators to ensure the ICE field office director "is promptly notified of any incident or allegation of staff misconduct if that misconduct relates to treatment of ICE detainees, to the security or safety of



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do so following a detainee's discovery and reporting of a guard's loaded handgun left in a facility staff bathroom that the detainee was cleaning. This marks the fourth time in less than a year that the facility failed to notify ICE of incidents involving detainees and raises serious concerns about the facility's ability to handle security issues.

Interviews with detainees and facility management revealed that an Essex County Department of Corrections guard left a loaded handgun in the facility staff bathroom stall in April 2018. Facility leadership confirmed the incident occurred in a staff bathroom, which detainees clean as part of their job duties. A detainee on a cleaning crew reported discovering the loaded weapon and notifying guards. ICE Standards³ mandate that officers store all weapons in individual lockers before entering the facility. The guard in question admitted to leaving the loaded handgun in the bathroom and was given a 90-day suspension, which was later reduced in a settlement to a 45-day suspension.

Facility leadership completed a review of the incident, but did not interview the detainee who found the weapon. Rather, facility leadership reported to us that they told the detainee not to discuss the matter with anyone else. The review documented by the facility does not mention that the detainee found and reported the loaded weapon.

Facility records also do not indicate that ICE was notified of the incident, as required by ICE Standards. ICE confirmed it was never notified, despite previously citing the facility for failure to report issues involving detainees, including detainee fights and hospitalization for mental illness. Although the Essex facility initiated new procedures in response to the previous citation, facility management confirmed they did not contact ICE or report the incident even after the facility completed its review.

During our site visit, we notified ICE of the incident and, in August 2018, ICE issued a Contract Discrepancy Report. The report outlined this incident as the fourth time in less than a year that the Essex Facility had failed to notify ICE of detainee-related incidents. The penalty for this discrepancy report can be a fine up to a 5 percent reduction of invoiced amounts. The penalty is pending final review and issuance by ICE.

the facility, or to compliance with detention standards or the provisions of the facility's contract with ICE."

³ ICE, *Performance-Based National Detention Standards, 2011*, Section 2.7, Key and Lock Control (Revised Dec. 2016). The pertinent part of this standard requires that "all firearms shall be stored in secure gun lockers before their carriers enter the facility."



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Not only does this specific incident pose significant security and safety risks, but so does the facility's pattern of failing to report such incidents involving detainees. Consequently, ICE must more closely scrutinize and oversee the facility's process for reporting incidents involving detainees, and administer penalties as appropriate.

Food Safety Issues Endanger Detainee Health

During our visit to the Essex County Correctional Facility, we identified a host of food safety problems that could endanger the health of detainees. ICE standards⁴ obligate the Essex Facility to ensure sound safety and sanitation practices in all aspects of food service. However, when inspecting the refrigeration units, we found mishandling of meats and storage of moldy bread, which has led to potentially contaminated food being served to detainees. The food handling, in general, was so substandard that ICE and facility leadership had the kitchen manager replaced during our inspection. Overall, our inspection validated media reports⁵ of concerns about food, particularly meat, which was raw, spoiled, or expired.

We observed open packages of raw chicken leaking blood all over refrigeration units (see figure 1) and identified slimy, foul-smelling lunch meat, which appeared to be spoiled, held in the refrigeration unit. Although this mishandling of meats can spread salmonella, listeria, and E. coli, leading to serious foodborne illness, we observed facility staff serving this potentially spoiled meat to detainees.

⁴ ICE, *Performance-Based National Detention Standards, 2011*, Section 4.1, Food Service (Revised Dec. 2016). The pertinent part of this standard requires that “[d]etainees, staff and others shall be protected from injury and illness by adequate food service training and the application of sound safety and sanitation practices in all aspects of food service and dining room operations.”

⁵ *Ailing Justice: New Jersey, Inadequate Healthcare, Indifference, and Indefinite Confinement in Immigration Detention*, Human Rights First (February 2018), <https://www.humanrightsfirst.org/sites/default/files/Ailing-Justice-NJ.pdf>.



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Figure 1. Refrigerator with blood leaking from open boxes containing raw chicken. Observed by the Office of Inspector General (OIG) at the Essex Facility on July 24, 2018. *Source:* OIG

Detainees also reported being repeatedly served meat that smelled and tasted bad. During dinner service, we observed facility staff serving detainees hamburgers that were foul smelling and unrecognizable (see figure 2).



Figure 2. Slimy and discolored lunch meat stored without any labels (at left). Hamburger patty served to detainees that was foul smelling and unrecognizable (at right). Observed by OIG at the Essex Facility on July 24, 2018. *Source:* OIG

In addition, we observed expired and moldy bread in the facility refrigerator despite U.S. Department of Agriculture guidance⁶ to discard bread with mold. Kitchen staff reported placing all unused bread from food service into large trash bags and trash cans to be used for making bread pudding once every 2–3 weeks. Furthermore, kitchen management posted a sign prohibiting the disposal of any bread (see figure 3). According to the U.S. Department of Agriculture, such practices put the health of staff and detainees at risk as mold

⁶ United States Department of Agriculture: Molds On Food: Are They Dangerous? https://www.fsis.usda.gov/wps/portal/fsis/topics/food-safety-education/get-answers/food-safety-fact-sheets/safe-food-handling/molds-on-food-are-they-dangerous_/ct_index



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can cause allergic reactions and respiratory problems, and some molds, in the right conditions, can produce poisonous substances that can cause illnesses.



Figure 3. Undated moldy bread held in the refrigeration unit for indefinite periods. Signage posted in the kitchen to direct staff not to discard any bread. Observed by OIG at the Essex Facility on July 24, 2018. *Source:* OIG

Our interviews with detainees and review of grievances corroborated concerns regarding food safety at the Essex Facility. Detainees stated the food was of low quality and consuming it caused vomiting and diarrhea, common symptoms of food poisoning. Detainees also stated most of them now purchase their food through the commissary, which generally does not offer fresh meat and produce. From January 2018 to July 2018, detainees filed approximately 200 kitchen-related grievances (about 12 percent of all grievances filed) with comments such as:

- “For dinner, we were served meatballs that smell like fecal matter. The food was rotten.”
- “The food that we received has been complete garbage, it’s becoming impossible to eat it. It gets worse every day. It literally looks like it came from the garbage dumpster; I have a stomach infection because of it and the nurse herself told me it was caused by the food.”

Further, a detainee in segregation said the food was so bad that he had started a liquid only diet and was considering a full hunger strike.

Based on the substandard food safety and sanitation practices we observed, ICE cannot ensure detainee health at the Essex Facility. Although ICE standards require the protection of detainees from illness through adequate food service, the Essex Facility has risked the spread of foodborne illness by knowingly serving detainees potentially contaminated meat and bread. As a result, ICE must more closely scrutinize and oversee the facility’s management



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of food processing, preparation, and storage to ensure it complies with required standards.

Facility Conditions Present Risks to Detainee Health and Safety

ICE standards⁷ require the facility to conduct preventive maintenance and regular inspections to ensure timely repairs. Despite these standards, we observed environmental conditions at the Essex Facility that pose serious health and safety risks for detainees, including leaking ceilings in detainee living areas, showers laced with mold and peeling paint, and dilapidated beds. Detainees also lack access to recreation space outside of their living area.

During our inspection, we found ongoing leaks in every housing unit holding detainees (see figure 4). We observed two of the leaks dripping directly onto detainee beds. We also witnessed trash cans placed around the facility to catch water leaking from the ceiling. These leaks can cause mold and mildew growth, which can spread throughout the facility leading to serious health issues for detainees, including allergic reactions and persistent illnesses.



Figure 4. Roof leaks found in every housing unit. Observed by OIG at the Essex Facility on July 24, 2018. *Source:* OIG

Facility conditions in the showers also revealed serious concerns about basic maintenance and upkeep. Although the facility reported that it rotates maintenance and painting for detainee living areas, in six of the seven detainee

⁷ ICE, *Performance-Based National Detention Standards, 2011*, Section 1.2, Environmental Health and Safety (Revised Dec. 2016). The pertinent part of this standard requires that “[p]reventive maintenance and regular inspections shall be performed to ensure timely emergency repairs or replacement and to prevent dangerous and life-threatening situations.”



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dormitories and all seven detainee housing units, shower stalls⁸ were unsanitary as evidenced by mildew, mold, and peeling paint. Mold in the showers extended into the hallways leading to the showers (see figure 5).



Figure 5. Hallway leading to shower filled with mold and shower stall with mold, mildew, and peeling paint. Observed by OIG at the Essex Facility on July 24, 2018. *Source:* OIG

In addition, we found housing unit mattresses⁹ in such poor condition that detainees were using bed sheets to tie the seams of mattresses together so the filling did not come out (see figure 6). The facility does not provide pillows, but rather has them built into the mattresses, which were completely flat and dilapidated. Facility staff stated that guards are responsible for inspecting and replacing old mattresses. However, guards in the housing units said they wait for detainees to complain about old bedding before requesting new mattresses.

⁸ ICE, *Performance-Based National Detention Standards, 2011*, Section 1.2, Environmental Health and Safety (Revised Dec. 2016). The pertinent part of this standard requires that the facility administrator shall ensure that staff and detainees maintain a high standard of facility sanitation and general cleanliness.

⁹ ICE, *Performance-Based National Detention Standards, 2011*, Section 4.5, Personal Hygiene (Revised Dec. 2016). The pertinent part of this standard requires that all detainees shall be issued clean bedding, linens, and a towel and be held accountable for those items.



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Figure 6. Detainee mattresses being held together with tied sheets. Observed by OIG at the Essex Facility on July 24, 2018. *Source:* OIG

ICE standards¹⁰ require that all detainees be allowed outdoor recreation time outside their living area. However, the Essex Facility lacks outdoor space, and recreation for detainees was located within housing units. We observed large glass enclosures inside detainee living areas with mesh cages at the top to allow in outside air (see figure 7). Facility staff indicated that ICE was going to build a soccer field for outdoor recreation when the facility began housing detainees in 2010, but ICE never completed the project. ICE records indicate discussions had taken place regarding outdoor recreation, but no agreements were made between ICE and the facility. Based on our review of the contract and ICE inspection records, ICE officials have never documented concerns regarding outdoor recreation in their weekly inspections or cited the facility for failure to meet this detention standard since it began housing detainees.

¹⁰ ICE, *Performance-Based National Detention Standards, 2011*, Section 5.4, Recreation (Revised Dec. 2016). The pertinent part of this standard requires that “[d]etainees shall have access to exercise opportunities and equipment at a reasonable time of day, including at least one hour daily of physical exercise outside the living area, and outdoors when practicable. Facilities lacking formal outdoor recreation areas are encouraged to explore other, secure outdoor areas on facility grounds for recreational use. Daily indoor recreation shall also be available.”



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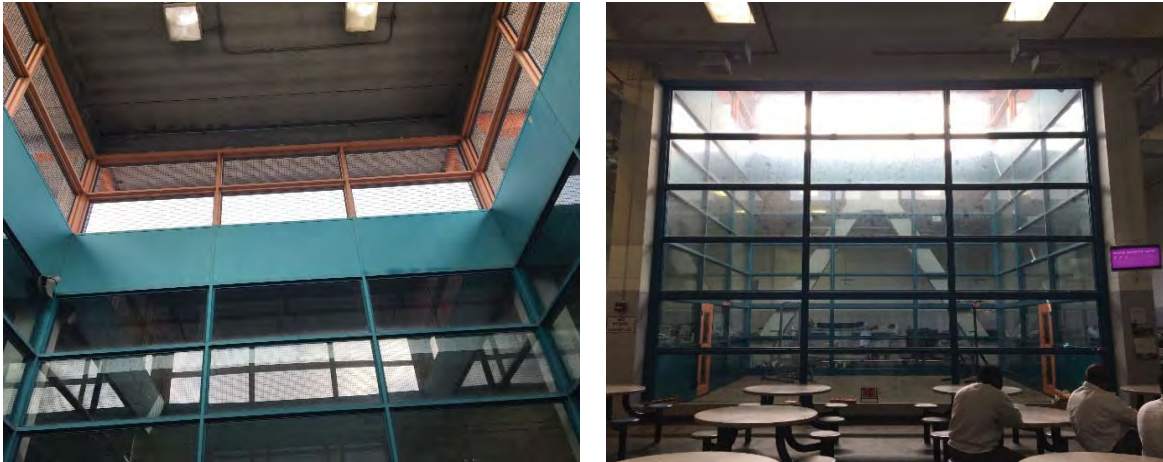


Figure 7. Mesh cages added to glass enclosure inside housing areas to provide “outdoor” recreation for detainees. Observed by OIG at the Essex Facility on July 24, 2018. *Source:* OIG

Recommendation

Recommendation: We recommend ICE conduct an immediate, full review of the Essex County Correctional Facility and the Essex County Department of Corrections’ management of the facility to ensure compliance with ICE’s 2011 *Performance-Based National Detention Standards*. As part of this assessment, ICE must review and ensure compliance with those standards addressing:

1. Unreported security incidents;
2. Food safety; and
3. Facility conditions that include ceiling leaks, unsanitary shower stalls, bedding, and outdoor recreation areas.

Management Comments and OIG Analysis

We obtained management comments to the draft report from ICE. We included a copy of those comments, in their entirety, in appendix A. We also made other revisions, where appropriate, to address separate technical comments ICE provided. We consider the recommendation resolved and open. A summary of ICE’s response and our analysis follows.

ICE Response: Concur. ICE immediately initiated a follow-up review process. All areas of the OIG inspection results were thoroughly examined, and necessary actions were initiated to ensure facility compliance with the PBNDS [*Performance-Based National Detention Standards*].



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ICE took action to address unreported security incidents including interviewing the detainee who claimed to have found the firearm and reviewing facility documentation on the firearm incident. Ultimately, ICE issued the facility a Contract Discrepancy Report for failure to report the incident to ICE as required under the facility contract.

In reference to the food safety issues, ERO [Enforcement and Removal Operations] Newark management and staff took the following specific actions: ICE officers observed an immediate, thorough on-the-spot response by Essex County Correctional Facility Food Service staff to remedy the food storage concerns. Food storage inventory was properly dated, documented, and packaged in compliance with the ICE PBNDS 2011 Standard for Food Service. Additionally, the facility food services manager was immediately replaced by the food service contractor with a corporate, management-level, food services professional. ERO Newark officers and the facility's ICE Detention Service Manager conduct daily inspections of the food services area to ensure continuity of compliance measures. The food service contractor was also issued a Contract Discrepancy Report for the deficiencies in food management. Facility management and the ICE Quality Assurance Coordinator have been assigned to conduct spot audits of the food service kitchen on a weekly basis to ensure compliance.

In reference to the facility conditions, ERO Newark management and staff took the following specific actions: ICE officers observed an immediate response by facility operational staff to remedy the facility concerns. On a scheduled rotation, all ICE detainee housing units were emptied and thoroughly cleaned and disinfected using steam pressure-washers. Repairs, reconditioning, and painting of walls and ceilings, and hardware were completed throughout the housing units. All detainee mattresses that had signs of wear were replaced. Facility management staff has incorporated a new maintenance schedule to prevent reoccurrence. In addition, the facility was given another Contract Discrepancy Report for the poor facility conditions.

To ensure ongoing compliance with ICE's 2011 PBNDS at the Essex facility, ICE will schedule quarterly meetings with respective stakeholders. In addition, ERO will conduct a detailed follow-up inspection within the next 6 months to ensure corrective measures have been completed. Lastly, ERO will initiate discussions with the Essex County Correctional Facility management staff to determine whether a dedicated outdoor recreation area is feasible. Estimated Completion Date: June 30, 2019.



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OIG Analysis: We consider these actions responsive to the recommendation, which is resolved and open. We will close this recommendation when we receive documentation confirming the completion of the follow-up inspection and modifications made for outdoor recreation.

Scope and Methodology

We visited the Essex County Correctional Facility as part of our larger effort to inspect ICE detention facilities. We used ICE's 2011 *Performance-Based National Detention Standards* to conduct our inspection, as these are the standards under which the facility reported currently operating. These standards, developed in coordination with component stakeholders, prescribe the expected outcomes of each standard and the expected practices required to achieve them. ICE detention standards were designed to improve safety, security, and conditions of confinement for detainees.

During our inspection, we interviewed the following ICE staff members: ICE Assistant Field Office Director, Supervisory Detention and Deportation Officer, and Detention Services Manager. We interviewed employees of the Essex County Department of Corrections, including the Director, Compliance Officer, Grievance Coordinator, Classification Officer, Segregation Supervisor, and Assistant Health Services Administrator. We also interviewed detainees held in the general population and segregation. We reviewed documentation from previous ICE inspections, facility documents, detainee records, and documentation of grievances.

As part of our inspection, we toured the following areas of the facility:

- General medical unit for detainees
- Kitchen
- Special Management Unit (segregation)
- Modular housing units, including individual cells, and open bay dormitories
- Facility intake
- Control room

We also reviewed ICE and Essex County Department of Corrections documentation related to facility violations, contract modifications and penalties, and repairs.

We conducted this review from July 2018 to September 2018 under the authority of the *Inspector General Act 1978*, as amended, and in accordance with the *Quality Standards for Inspection and Evaluation* issued by the Council of the Inspectors General on Integrity and Efficiency. Major contributors to this



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report are John D. Shiffer, Chief Inspector; Stephanie Christian, Lead Inspector; Ryan Nelson, Senior Inspector; and Adam Brown, Independent Reference Reviewer.



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Appendix A
ICE Response to the Draft Management Alert

Office of the Chief Financial Officer

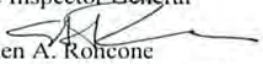
U.S. Department of Homeland Security
500 12th Street, SW
Washington, D.C. 20536



**U.S. Immigration
and Customs
Enforcement**

December 19, 2018

MEMORANDUM FOR: John V. Kelly
Senior Official Performing the Duties
of the Inspector General

FROM: 
Stephen A. Roncone
Chief Financial Officer and
Senior Component Accountable Official

SUBJECT: Management Response to OIG Draft Report: "Issues
Requiring Action at the Essex County Correctional Facility in
Newark, New Jersey" (Project No. 17-123-ISP-ICE (Essex))

Thank you for the opportunity to review and comment on this draft report. U.S. Immigration and Customs Enforcement (ICE) appreciates the work of the Office of Inspector General (OIG) in planning and conducting its review and issuing this report.

ICE is committed to continually enhancing the safety, rights, and health of detainees in ICE's care. In its prior work, the OIG acknowledged ICE's collaboration with stakeholders for more than a decade to improve the safety, security, and conditions of confinement for detainees. ICE utilizes a layered approach to monitor detention conditions at facilities, with processes in place to implement corrective actions if it finds that facilities are not in compliance with ICE detention standards. ICE's detention operations are governed by national detention standards and are overseen by field office personnel, inspections by ICE's Office of Professional Responsibility, and other programmatic oversight and inspections by ICE's Office of Enforcement and Removal Operations (ERO). ICE works daily to ensure that facilities comply with ICE detention standards or take the necessary corrective action to address problems and concerns.

In alignment with its approach to monitoring detention conditions, ICE has completed multiple inspections of the Essex County Correctional Facility (ECCF) in recent years. For example, ICE has completed its annual contract inspections, and the ICE Office of Detention Oversight performed a facility review in April 2016. When deficiencies were identified, the facility proposed a Uniform Corrective Action Plan, and ICE ensured corrections were completed. ICE will continue these efforts as it addresses the OIG's findings, and will work to gain compliance of its performance standards at the facility.

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The draft report contained one recommendation with which ICE concurs. Attached find our detailed response to the recommendation. Technical comments were previously provided under separate cover.

Again, thank you for the opportunity to review and comment on this draft report. Please feel free to contact us if you have any questions. We look forward to working with you again in the future.

Attachment



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**Attachment: Management Response to Recommendation
Contained in 17-123-ISP-ICE (Essex)**

Recommendation: We recommend ICE conduct an immediate, full review of the Essex County Correctional Facility and the Essex County Department of Corrections' management of the facility to ensure compliance with ICE's 2011 *Performance-Based National Detention Standards* [PBNDS]. As part of this assessment, ICE must review and ensure compliance with those standards addressing:

1. Unreported security incidents
2. Food safety
3. Facility conditions that include ceiling leaks, unsanitary shower stalls, bedding, and outdoor recreation areas.

Response: Concur. ICE ERO Newark discussed the OIG's findings with the auditors at the conclusion of the inspection, and immediately initiated a follow-up review process. All areas of the OIG inspection results were thoroughly examined, and necessary actions were initiated to ensure ECCF compliance with the PBNDS.

1. In reference to the unreported security incidents, ERO Newark management and staff took the following specific actions:

On July 30, 2018, ERO Newark officers conducted a personal interview with the detainee claiming to have located the firearm. The detainee repeated his assertion to the OIG auditors that he was the one who found the weapon; however, he could not provide information about anyone else who could corroborate his story and no other supportive evidence was discovered to substantiate his claim. ERO Newark officers confirmed that there are no surveillance cameras that would provide video evidence of activity in the area of the found weapon.

ERO Newark received a copy of the complete investigation conducted by ECCF officials. The report clearly states an ECCF officer located the firearm, which was reportedly left in the bathroom stall by an officer prior to departing the facility at the end of his shift. ECCF also included the disciplinary actions that were taken on the officer that left his gun in the officers' bathroom. A copy of the complete report was provided to the DHS OIG auditors prior to the completion of their inspection.

ERO Newark received no previous notification from ECCF about the found firearm, nor did the detainee witness previously come forward with his claim of finding the weapon to the ERO Newark officers or Detention Services Manager (DSM) who are assigned to tour the ECCF housing units daily. ERO Newark was unable to confirm the validity of either the ICE detainee's description, or the ECCF official report description of the incident.



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The ECCF incident report and follow up inquiries by ERO Newark were reviewed by ERO Newark management, and ECCF was ultimately cited for failing to report the incident as addressed in ERO Newark Contract Discrepancy Report (CDR) 24, dated August 2, 2018. The CDR noted that ECCF, as per the contract (Article 21. Incident Reporting: Incident Reporting shall be in accordance with Attachment (6), Performance Work Statement, Section IIL A, 6-7), is required to immediately report any violations or attempted violations of employee standards of conduct related incidents, which are out of the ordinary or non-routine.

2. In reference to the food safety issues, ERO Newark management and staff took the following specific actions:

On July 24, 2018, ERO Newark officers observed an immediate, thorough on-the-spot response by ECCF Food Service staff to remedy the food storage concerns. Food storage inventory was properly dated, documented, and packaged in compliance with the ICE PBNDS 2011 Standard for Food Service. Additionally, the ECCF food services manager was immediately replaced by the food service contractor with a corporate, management-level, food services professional. ERO Newark officers and the ECCF ICE DSM conduct daily inspections of the food services area to ensure continuity of compliance measures.

The OIG auditor findings and follow up inquiries by ERO Newark were reviewed by ERO Newark management, and ECCF was ultimately cited for the food service deficiencies addressed in ERO Newark CDR 25, dated August 27, 2018. As a result, ECCF management and the Quality Assurance Coordinator have been assigned to conduct spot audits of the food service kitchen on a weekly basis.

3. In reference to the facility conditions, ERO Newark management and staff took the following specific actions:

On July 24, 2018, ERO Newark officers observed an immediate response by ECCF operational staff to remedy the facility concerns. On a scheduled rotation, all ICE detainee housing units were emptied and thoroughly cleaned and disinfected using steam pressure-washers. Repairs, reconditioning, and painting of walls and ceilings, and hardware were completed throughout the housing units. All detainee mattresses that had signs of wear were replaced. ECCF management staff has incorporated a new maintenance schedule to prevent reoccurrence.

The OIG auditor findings and follow up inquiries by ERO Newark were reviewed by ERO Newark management, and ECCF was ultimately cited for the facility conditions addressed in ERO Newark CDR 25, dated August 27, 2018. As a result, ECCF

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supervisory and management staff and the Quality Assurance Coordinator have been assigned to maintain daily on-the-spot corrections of facility conditions.

ICE ERO is evaluating the responses to the CDRs and will determine necessary contract penalties. To ensure ongoing compliance with ICE's 2011 PBNDS at ECCF, ICE ERO will schedule quarterly meetings with respective stakeholders. In addition, ERO will conduct a detailed follow-up inspection within the next six months to ensure corrective measures have been completed. Lastly, ERO will initiate discussions with the ECCF management staff to determine if a dedicated outdoor recreation area is feasible.
Estimated Completion Date: June 30, 2019.



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Appendix B
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 Newark

Inside the Tumult That Led 4 Men to Escape From a Migrant Facility

By Tracey Tully, Luis Ferré-Sadurní and Raúl Vilchis, 2025-06-14



Law enforcement officers drag and push protesters away from a gated entrance to Delaney Hall, a privately run immigration detention center in Newark, N.J., June 13, 2025. The reported escape of four detainees here has raised urgent questions about living conditions inside the facility and others like it across the country, now holding about 51,000 migrants nationwide. (Dakota Santiago/The New York Times)

Conditions had been disintegrating for days inside a huge immigration detention center in an industrial corner of Newark, New Jersey.

Meals had been erratic at the privately run facility that last month began holding migrants facing deportation. Some detainees were sleeping on floors. And the water available from faucets was sometimes scalding or foul-tasting.

Several dozen men in Unit 5, on an upper floor of the jailhouse known as Delaney Hall, had grown frustrated. And after returning Thursday afternoon from a first-floor cafeteria, where they said they had been given slices of bread in place of a meal, they began covering security cameras and smashing at walls and windows.

Two security guards stationed in the unit retreated, and some of the detainees pushed the door closed.

By the time the disruption was over, four men had escaped.

This account of events before and after the escape is based on interviews with several immigration lawyers who spoke to clients at Delaney Hall during the melee and more than a dozen people who had conversations with loved ones who called from inside the jail, pleading for help. On Friday, Sen. Andy Kim and Rep. Rob Menendez, both Democrats from New Jersey, offered additional details after touring the facility and speaking with federal officials and representatives from GEO Group, the private company that runs the 1,000-bed jail.

The tumult raised urgent questions about the living conditions inside the detention facility and others like it across the country as President Donald Trump ramps up immigration arrests, filling to capacity many detention centers that, together, are holding about 51,000 migrants nationwide.

The breakout also prompted scrutiny of GEO Group and the measures it took as it converted a facility that had been dormant for about a year into a detention center after winning a 15-year, \$1 billion contract from the Trump administration in February. Local officials have for months raised concerns that Delaney Hall had not been properly inspected, leading the mayor of Newark, Ras J. Baraka, to sue GEO Group as he sought to force the company to reapply for a new certificate of occupancy.

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Inside the Tumult That Led 4 Men to Escape From a Migrant Facility - NewsBreak

The men who escaped had punched a hole through an exterior wall of the jail that Kim described as crude – “essentially just drywall with some mesh inside.”



Federal law enforcement officers from various agencies after demonstrators blocked a bus outside of Delaney Hall in Newark, N.J., June 13, 2025. Four men escaped from the privately run immigration detention center in Newark during a disturbance on Thursday after days of unrest over conditions, according to a law enforcement official in New Jersey, a federal spokeswoman and other detainees' lawyers. (Dakota Santiago/The New York Times)

“It shows just how shoddy construction was,” he said, and highlights what can happen when for-profit prisons “try to pocket” as much money as possible.

On Friday afternoon, representatives from GEO Group pushed back on that claim, noting all the services offered to the detainees, including medical care, family visitations and opportunities to exercise religious faiths.

“Contrary to current reporting, there has been no widespread unrest at the facility,” Christopher Ferreira, a GEO Group spokesperson, said in an email.

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Inside the Tumult That Led 4 Men to Escape From a Migrant Facility - NewsBreak

Still, on Friday night, guards began loading migrants into large white vans and appeared to be evacuating at least part of the facility as officials from the Department of Homeland Security, which oversees the Immigration and Customs Enforcement agency, rushed to contain the fallout.

Trouble had been brewing at Delaney Hall for days.

Detainees had complained to their lawyers and to relatives about increasingly cramped quarters and paltry meals served at irregular hours.

The cafeteria was being used to accommodate migrants who had been moved out of other parts of the facility to address crowding, Kim said. That disrupted the delivery of the already small portions of food, he said.

At about 4:30 p.m. Thursday, the tension hit a tipping point.

“Guards — they lost control,” said Mustafa Cetin, a New Jersey immigration lawyer who spent 11 minutes on the phone Thursday night with a Turkish client who huddled during the chaos with others in Unit 5.



Protesters who had linked arms to block a gated entrance to Delaney Hall are dragged by law enforcement officers away from the privately run immigration detention center in Newark, N.J., June 13, 2025. The reported escape of four detainees here has raised urgent questions about living conditions inside the facility and others like it across the country, now holding about 51,000 migrants nationwide. (Dakota Santiago/The New York Times)

The Turkish man, a father of three who lives in South Jersey, told Cetin that after a hole was punched through the wall, the men who escaped used bedsheets to lower themselves to the ground.

Kim said that the fleeing men wound up in an adjacent parking lot and then climbed a fence behind the facility to escape.

A woman whose brother, José, was being held at the facility, said she got a call from him at 5:44 p.m. Thursday. A Salvadoran construction worker in New Jersey, he had been there for several weeks after being detained when he showed up for a court hearing.

“He told me he was scared and didn’t know what would happen to him,” said the woman, who asked to be identified only by her first name, Cecilia, because she fears retaliation. “People were desperate, breaking doors, banging on walls.”

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The unit was also very hot, she said, with air conditioning that was either broken or not working well. Temperatures on Thursday in Newark were unseasonably high, hitting 91 degrees in the late afternoon.

(BEGIN OPTIONAL TRIM.)

At around the same time, another detainee called a staffer at DIRE, an emergency immigration hotline in New Jersey.

“We could hear screaming and yelling in the background,” said Ellen Whitt, a volunteer who works at DIRE.

(END OPTIONAL TRIM.)

People who had been scheduled to visit detainees Thursday afternoon were turned away. Many were still gathered outside when a fire truck showed up, followed by squad cars from the Newark Police Department and the Essex County Sheriff’s Department.



Protesters drag plastic barricades to the main gate at Delaney Hall, a private immigration detention facility in Newark, N.J., in an attempt to block entry by federal agents on Thursday night, June 12, 2025. Dozens of law enforcement officials from several policing agencies responded on Thursday to Delaney Hall after reports of a disturbance inside. (Victor J. Blue/The New York Times)

Soon after, vans filled with masked federal agents wearing vests labeled ICE and ERO, an ICE division known as the Enforcement Removal Operation, began arriving and entered through the locked gated perimeter of the facility, according to several videos taken by immigrant rights activists and relatives of detainees.

One van that entered held two gray vats of material labeled “toxic” and “flammable,” according to photos taken by a witness and shared with The New York Times.

As guards attempted to restore order, a pungent odor filled Unit 5, Cetin said, and his client doused fabric with water and placed it under a door in a dormitory-style room to try to keep a strong smell of gas from seeping in.

Over in Unit 4, a guard entered and asked a Mexican detainee if the “gas” that had been fired to quell unrest in another part of the building had reached his dormitory, according to Rosalinda Ortega, 35, the detainee’s wife.

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“He’s the only one who speaks English in his room, and he told me that an official asked him if they were fine, because they had thrown gas to control the other people, and they wanted to check because the windows were sealed,” Ortega said, relaying a phone conversation she had with her husband Friday.

Delaney Hall has for weeks been the site of protests against the Trump administration’s immigration arrests. As news of the disturbance began to spread Thursday night, so did the size of the crowd outside.

At nightfall, a K-9 unit and agents with the FBI arrived.

(BEGIN OPTIONAL TRIM.)

A New Jersey law enforcement official who was briefed on the details of the escape said that the number of people who were believed to be missing fluctuated throughout the night, from five to nine and then to four.



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Law enforcement agents outside Delaney Hall, a private immigration detention facility, in Newark, N.J., as protesters rally on Thursday night, June 12, 2025. Dozens of law enforcement officials from several policing agencies responded on Thursday to Delaney Hall after reports of a disturbance inside. (Victor J. Blue/The New York Times)

(END OPTIONAL TRIM.)

Federal authorities continued to search late Friday for the missing men, who, according to the Department of Homeland Security, were from Colombia and Honduras and all had criminal records. The men had crossed the border illegally in recent years or had overstayed their visas, the agency said. They had all been arrested in New Jersey or New York for crimes that included weapons possession, burglary, aggravated assault and terroristic threats.

Officials announced a \$10,000 reward for information about their whereabouts.

(STORY CAN END HERE. OPTIONAL MATERIAL FOLLOWS.)

Worried families showed up at Delaney Hall early Friday, hoping to get a glimpse of their loved ones.

Ortega, the wife of the Mexican detainee, said she drove 13 hours from Gainesville, Georgia, with her three young daughters, hoping to pick up her husband, who had been scheduled to be released Friday.

She worried that the breakout would delay or derail their reunion.

She and her daughters watched Friday evening as van after van filled with migrants exited the facility, wondering aloud if their husband and father was inside one of them and where he might be going next.

This article originally appeared in [The New York Times](#).

9/20/25, 11:06 AM

Inside the Tumult That Led 4 Men to Escape From a Migrant Facility - NewsBreak



A protester douses a fellow demonstrator's eyes with water after she was doused with pepper spray outside Delaney Hall, a private immigration detention facility, in Newark, N.J., on Thursday night, June 12, 2025. Dozens of law enforcement officials from several policing agencies responded on Thursday to Delaney Hall after reports of a disturbance inside. (Bryan Anselm/The New York Times)

9/20/25, 11:06 AM

Inside the Tumult That Led 4 Men to Escape From a Migrant Facility - NewsBreak



Protesters try to block a bus that continued moving until federal law enforcement removed them from the front outside of Delaney Hall in Newark, N.J., June 13, 2025. Four men escaped from the privately run immigration detention center in Newark during a disturbance on Thursday after days of unrest over conditions, according to a law enforcement official in New Jersey, a federal spokeswoman and other detainees' lawyers. (Dakota Santiago/The New York Times)