



## The Activist Files Episode 45: Cruel by Design - Enduring and Resisting the U.S. Immigration Detention System

Samah Sisay

Welcome to the Activists Files, a podcast by the Center for Constitutional Rights, where we feature the stories of people on the frontlines fighting for justice. My name is Samah Sisay and I am a Birth of Justice Fellow at the Center for Constitutional Rights. Today I'm in conversation with Mizue Aizeki, the Deputy Director at the Immigrant Defense Project. And Joseph Thompson, an immigrant who was formerly detained by the US Immigration and Customs Enforcement, better known as ICE, and is currently fighting his case at the Board of Immigration Appeals. Joseph is also an activist who speaks out against immigration detention. What a great group to have today, I'm so excited for our conversation about the resistance being waged to end the harms of the US immigration and border enforcement system. And I really want to start by passing it to you, Mizue, to give us an overview of the report that the Center for Constitutional Rights and the Immigrant Defense Project have worked on around this issue.

Mizue Aizeki

Thank you, Samah, and thank you, Joseph, for taking the time to join us today and for your work fighting against ICE. Right, so this report, that is called *Cruel by Design: voices of resistance from immigration detention* came about during the pandemic as the Center for Constitutional Rights and IDP, Immigrant Defense Project, were both working in different detention centers, and kind of more broadly, in terms of the advocacy to fight for ICE and the government to release as many people as possible because we were in the midst of a global pandemic. And what became clear very quickly was, you know, it didn't matter how many lawyers were focused on this, or how many community groups were challenging this practice. And it didn't matter to ICE at all, that we were in the midst of this unprecedented global pandemic and the grave risks that people face to being contained and in prison during this time, and that it was going to continue its cruel practices of immigrant detention. And this is because this is what the system was designed to do. Right, the set of laws and the set of practices that was working and is cruel

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by design. We also knew that this wasn't a new problem that was specific to the pandemic, and just very much part of a system that had exploded over the past 20 years, as the political climate has enabled the government to invest billions of dollars to build what is now the world's largest apparatus for policing the border, detaining people, and deporting them under the authority of this, you know, institution called the Department of Homeland Security.

So that's the origin story for our report *Cruel by Design: voices of resistance from immigration detention*, and in our report, we lift up the voices of five people, including Joseph, who have been held in immigration detention, and to illustrate this point, that it's not that the laws are broken, but they're working as they are intended, and that they are cruel by design, right. They deny liberty; they discourage people from fighting to stay; they deter people from migrating and returning. And that is, you know, to enable not just detention, it's not just about detention, but about mass exclusion and deportation. But more importantly, it also highlights the tremendous will of people to thrive and overcome systems of oppression and highlights the power of organizing by people on the inside, as well as community support and organizing on the outside.

So I'm very grateful to be here in conversation today with Samah and Joseph Thompson, who is- Joseph's a green card holder from Jamaica, who grew up in New Jersey in New York. He was detained by ICE for almost three years, transferred repeatedly between ICE detention facilities in about, I think six different detention centers, before winning his release in November of 2020. Joseph is a father and a chef, and we're very grateful to have you here today. So, Samah!

Samah Sisay

Thanks, Mizue. Joseph, I just really want to pass it on to you. You know, describe sort of how we got to know each other, how you became involved with this report. But could you tell us a little bit in your own words about your story? When did you come to the US and how did you first encounter ICE?

Joseph Thompson

I came to the US back in 1985 I believe. You know, back then, my grandmother and I came in as a green card holder. I came in as a permanent resident, when I came in. But me being such a young age at the time, I wasn't paying attention to like, you know, as far as the laws or anything like that, you know, I was going to school and working and going to college and things of that nature.

At the time, my grandmother and she was actually, she was actually a citizen.

But, I was detained by ICE back in 2018, January 14, 2018. You know, just some random stop, pick up. Some falsified documents, some charges on me saying that I was illegal. I was an illegal alien. And that I had to go downtown to Atlanta, to kind of like, prove my case, so to speak. And, you know, the way they make it sound like, "Oh, you only going to be there [in

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detention] for like two weeks. If that.” So, two weeks turn in to almost three years. So there's a lot of hardship behind those walls. A lot of hurt. It was crazy.

Samah Sisay

Yeah, it sounds like it. And how old were you when you first came to the US? If I remember correctly, I think you said you had you left to make to join your mom and your grandmother who were in the US?

Joseph Thompson

Yes. I came in, I think I was I was like 15 going on 16 years of age. Been here quite a while now.... a lot has changed. But I didn't thought myself was even going to be in a situation like that as far as immigration because I didn't even know anything about immigration.

Samah Sisay

No I understand that. I think what a lot of people think about immigration, they don't think about how the system impacts people who have permanent residency and who are green card holders. I think there's a misconception that like, once you have your green card, you're good. And like you're saying that wasn't true for you. But it's not something a lot of people really understand because immigration....

But I want to go back to your discussion about how you encountered ICE. Because I think something that your story really highlights, and again, that I think a lot of people don't really understand, are the ways that the criminal legal system in the US and the immigration enforcement system in the US really work together to harm people. You know, you entered ICE detention as you were describing because of contact with the criminal legal system. Do you mind talking a little bit about that?

Joseph Thompson

Well, I was I was, um, I was coming home. I was actually walking home. It was like, January on a Sunday- January 15. And at the time I used you know, I used to smoke cigarettes at the time. So I went to the store. And I got, I got a pack of cigarettes. And I got one of those little, small- I called them airplane bottles. So I drank one walking home, police stopped me. And they asked me where I live. So I was like, actually right down the street. They asked me for ID and stuff like that. I told them you know, at the time you know, I had my wallet and stuff on me. I'm like, “why are you trying ID me?” I didn't commit a crime or nothing, but they saying pretty much just kind of like procedures.

So they gave me a breathalyzer and nothing came up- because they asked me if I want to do a breathalyzer, and I'm like, “sure why not.” So nothing came out. Everything came up zero. But they were like, “we still got to take you in anyway for being under the influence.” So that was on Sunday. So that Monday I went to court to judge released me. But ICE claimed that I was an illegal alien, so they decided to put a hold on me- and it was supposed to only be for 48 hours. That turned into six days actually, being locked up for six days. The hold was supposed to be

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only 48 hours. They are supposed to release you after that; I didn't find that out later on. But um, so that's how I wind up in ICE. I've been fighting ever since. You know.

Samah Sisay

Yeah, that's so difficult. Thank you for sharing that. And you know something else that I think your story highlights, and the report also focuses on, is the fact that the way that ICE functions is really embedded also in racism, when you think about the conditions that people face, in immigration detention, and you talked about this as well, about your experience being Black and being in an immigrant detention center. So could you share a little bit about how long you were detained in ICE detention facilities and like what your experience as a black immigrant was in the various facilities?

Joseph Thompson

Oh, um, well, from day one, when I first got to immigration it's a totally different atmosphere. As far as you interact with different people from all walks of life. A lot of Black and brown people in there, and a few white people in there from different countries, but for the most part, it was predominantly Black and brown people. You know, especially when you're in a situation like that in immigration, you don't know when you come home. It's not like like a criminal system where you get sentencing, and the judge say, "Okay, you got 10 years, or you got five months."

And immigration, you can never tell, you know, because it's a business for them. You know, they keep you in there. And from different facilities, for all the facilities I've been to, pretty much every day, they was making \$600 off of me just talking one person. So they moved you around; say like, you stayed in facility for like a year, that's a lot of money. Then they move you to somebody else, they make money off you. And it's like one big circle, because you always wind up at the place you originally started. So if I came into Irwin county, I go to Folkston, or South Carolina, North Carolina, places like that, Alabama, you know, you always wind up back at the facility you started because everybody got to make money. And they claim they moved to you so they can make room for other people. That's just more money. A maximum facility like that holds 2000 immigrants. So they move say, 50 people, 50 more companies, and it's kind of like they keep moving you around just so they can add and keep the keep everything stopped, so to speak.

I've experienced a lot, a lot of hate, a lot of hurt, a lot of mistreatment, as far as emotionally, medically, physically. You know, they mistreat you in places like that because they look at you like you're the scum of the earth. You know, they don't, they don't treat you with dignity or anything like that. You got to have a strong mind and a strong will to get out- in order for you to survive in a place like that. It's kind of like taking back basically to, like plantation camps, like slavery, you know, and when you're in a place like that, they worked, you know, they probably pay you \$1 a day or something like that.

You know, and you get treated as such. As far as food being rotten things like that. The waters brown, you know, you got to melt ice down just to drink water, you know, to have some clean drink. They shackle you up from your waist to your arms, to your legs, and they put them on so

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tight. Sometimes we tell them it hurts, and they just make it tighter. You know? So those are like the abusiveness you get when you situation like that. I don't want to ramble on too much.... Y'all just chime in any time you want [laughs].

### Samah Sisay

No, you touched on so many important points, and you know, I think part of the report like what we try to focus on is the fact that regardless of what types of contact people have with the criminal system, ICE doesn't really care about that. Like this idea that like some people are more deserving than others is like, irrelevant, because in a lot of ways, like you were saying whether or not you're someone who, you know, served time in prison or someone who had a misdemeanor and just ended up because of ICE hold, in a lot of ways, it doesn't matter. Because the end of the day, the system is just set up to really crush people's spirits and try and deport them. And I really wanted to go back to something you were talking about, which is a lot of like, the focus on a lot of these detention centers being in the South, right, like you were in Georgia, and then South Carolina, and things like that. And, you know, thinking about, again, going back to our conversation about racism within the system, like a lot of the detention centers are actually just jails, right, that are making money by having contracts with ICE in order to hold people in on their beds. And so the same sort of racism that people experiencing the criminal system in jail for is also what immigrants are experiencing. So was there any specific incident or anything that comes to mind that you're willing to share in relation to, you know, being held in a southern detention center and how that impacted you, specifically, as someone who was Black and was in a detention center?

### Joseph Thompson

Um, as far as like, the beating and the tasing, I remember, because I didn't want to eat the food, they tased me six times in jail, beat on me, and fractured my thumb. And not just me, even I had a friend of mine spoke up. And, like, not even the mention that I had, at the time I had an aneurysm, you know, I had a major heart condition going on in the process, and to be tased beaten like that just for speaking up. We was on a bus one day, and we was on our way to North Carolina. And I wasn't even supposed to be on that trip. But first they sent us to South Carolina and from there, we went to North Carolina. And the facility wasn't designed to host immigrants because they don't have any materials, as far as immigration law is concerned on the wall, or any access to telephones and things like that, or- it's just like one big open room, basically. And that's what people... that's kind of like a fast-track deportation. That's for people who they're trying to get out of the country, behind closed doors, so to speak. A lot of people- when you go to a place like that you get deported, you know. And from the medical care, you know, when they beat on me that day, I didn't get any kind of medical treatment, anything. They just stripped me down pretty much and throw me in a hole on the, on the concrete, no bed or nothing.

And you know that kind of scars somebody for life. Because when you when you live a situation like that, you know, people don't know what's going on. All America sees like, they make it pretty on the outside, but they don't really know what goes on behind closed doors and how we've

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been treated by ICE. It's like they give them all rights to do whatever they want to do to immigrants, to Black and brown people.

It was a time where I almost got deported. They said my name was on the list. And luckily, this other ICE agent happens to be Cuban. He's told the other ICE agent to call the BIA, and the BIA actually tell them to take out that list. I'm not supposed to be on that list. Especially, they should have known better anyway because once you're in the BIA that's like an automatic stay of deportation. You know, they can't deport you until that finality that everything has to be final. They can just [deport you], but they've been doing it for a long time [anyways]. You know, some of them got caught, some of them don't. So you can only imagine how many people falsely got deported. And they send you countries you're not even from. If, if, for example, Venezuela won't take you, they're going to try to send you to Colombia or something like that, you know, as long as the government is willing to take you. Sometimes, you know, the government don't want to take you then they say, "okay, no visa for you. We're not going to issue out any more visas until you start taking back some of these immigrants." It's just a big money scam.

Modern day slavery. That's how I see it.

Samah Sisay

Yeah, thank you so much for sharing all of that. And you think everything that you said just really goes to the title over report, which is *Cruel by Design*. And this idea that ICE detention is set up to harm people and limit your ability to fight and to be free. And some of the more visible forms of cruelty that we see is depriving people of their freedom, adequate medical care, like you mentioned, the use of solitary confinement for discipline and to isolate people, brutal treatment by officers, like you were mentioning, the tasing that you experienced, which was incredibly brutal. And the stories you shared now, and also, as part of the report, really get to these issues very clearly. And I was wondering, because I think it is such an important part of your story, if you could talk a little bit more about your experience being an ICE detention with your medical condition, like you said, you had an aneurysm. And what it was like navigating the system, trying to get adequate medical care.

Joseph Thompson

Oh, man, they shipped me because they didn't want to pay for it. I had an ICE officer tell me, "I'd rather deport your right black ass than to pay for, you know, any kind of medical help you need." You know, "I'd rather deport you; ICE ain't going to spend more money on you. You already cost us enough money." That's how they look at it. They will ship you from I mean, from all the way from Florida to North Carolina, to Alabama. All across the US, they even got people, they even send people all the way down to Texas, you know, and all because they don't want to pay any kind of money to help. I've seen people in there for various medical reasons. And they kind of swept them under the rug. They pretty much like to give people pain pills. You know, they'll give you a pain pill, real quick and send you away. And figure that's going to help the cause. But that's not, you know, it's kind of like delaying a problem so to speak.

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I could have died in there a couple of times because of my aneurysm. The doctor used to tell him I was a walking time bomb, and this man needs medical help. So they would send me from one doctor who I know pretty good, Doctor Butler, he's in Brunswick, Georgia. And he vouched for me, sometimes. He would tell them, call the jail and say, "Mr. Thompson really need ABCD done. If he doesn't get it, then this is what's going to happen to him." And they never really take heed.

But he always advised me if I was going to get any type of surgery, because I needed open heart surgery at the time. I didn't have my open heart surgery until after I got released. That's when I had my open heart surgery. And I think if I stayed there another day, I wouldn't be here talking to you right now. That's how that's how bad it is. It was like a 5.5 centimeter, and anything over, five centimeter, it's like you're in a red zone. You know, the aneurysm is kind of like a, it's kind of like a bulge in the tire so to speak. So it could, it could just like you drive and one day it could just blow out any minute. You just never know, but ICE didn't really care about that. You know, they just care about how much more people they could fit into this one little space. Especially with the COVID and stuff. I was seeing people dying left and right inside the facility.

This one guy when I was in Folkston, he had a brain aneurysm, and he never got the medical treatment he need. And he died right there, and ICE was trying to cover it up, saying that he was just sleeping, he had headache. So come to find out his aneurysm exploded that night. And we had to actually lift him off the top bunk- he was on the top bunk. Anytime you got any kind of medical problem, you're not even supposed to be assigned the top bunk; you're supposed to be on the bottom, you know. But things like that, that just goes to show you they don't really care about your well-being, so a lot of stuff you see in a place like that man, you know, it's like death. You walk around and you don't know when you're next; you don't know when you're going to get deported. They just snatch you up in the middle of the night, you know, no questions asked. You don't know what facility you're going to be at. You kind of just kind of like go with the flow, so to speak. But it's been rough, having any type of, you know, like people with broken bones, people with bad tooth or, or need a root canal and stuff, they don't even get seen, you know, or if they do get seen, they will like.. this one guy, he just needed one tooth taken out. They went and took out for his wisdom teeth, plus another tooth that was not wrong with it, but kind of jacked up his mouth so to speak, you know. He can't even file suit. Because even me, I was trying to file suit against them. As far as how they beat on me and stuff, and they same pretty much I can't do nothing about it.

A lot of people get deported, anytime you speak up, a lot of people got deported. Or in a facility like that you don't get...well, I'll probably let you get to that, I'm not gonna jump far ahead. But as far as working on your case, and stuff like that, they don't give you the tools for you to win your case. They set you up for failure, you know, but I'll let you introduce that. And we can get into that segment, so to speak [laughs].

Mizue Aizeki

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Thank you, Joseph. That's actually a good segue. You know, a lot of the stuff that you shared and experienced is, you know, some of the things that have been reported out of how abusive ICE is or how people have been denied medical care and even die in ICE detention. How, you know, doctors in detention facilities, give hysterectomies, and these are all terrible things. But then there's also what you talk about in the report, the more subtle ways the system breaks you down as well, which includes things like, you know, bureaucracy that is extremely difficult to navigate, or how they make errors, but they're, you know, difficult to correct. But also, I think this thing about limiting people's ability to access support. And that's something that you talk about, can you share a little bit more about your experience with that kind of treatment?

Joseph Thompson

As far as like the limited access to...?

Mizue Aizeki

Well, yeah, just also, like how ICE's bureaucracy and the system itself really gets in the way of people fighting for their rights.

Joseph Thompson

Oh, um, one thing I've learned, like, once, when they move you around, they are pretty much trying to lose you in the system. They want you to give up, because see, like, because each court got different jurisdiction, right. So if you win, if you're in Brunswick, that's a whole another district versus in Atlanta. You know, if you file a case, a habeas, they don't want to have us to go through because they know, a lot of times, people you could get released off the habeas after being in a detention for so, so long. And what's the reason to keep holding this person? Especially if he's not a danger to the community and to himself. So they will move you to Texas, Alabama, Chicago, and you have 30 days. You only have a small window to report saying that I'm at this facility now. So you have to file whole new paperwork, and a lot of times people don't want to go through all that, you know, it's just too much headache. And the resources, they have some places you only got like one computer. Now tell me, you got like 2000 people, and you only got one computer? How are we gonna win our case? You know, it's crazy.

Then the laws that they have set up on- see they use a program called LexisNexis. So they have like, old, old cases, knowing you can't win nothing off of that. It's not a thing up to date, because laws change all the time. You know? So it's things like that, for example, the limited resources, one computer on all case files that's not up to date, that doesn't pertain to your case. Say the cases, they would only have cases that go up to 2012. You know, what about 15 on [inaudible], you know, all those other cases we don't have access to, so we don't have to call....

Mizue Aizeki

Joseph, can you explain this a little bit more like so you're in ICE detention and you're trying to figure out the laws yourself to fight for your release?

Joseph Thompson

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Yes. Um, say for example, you get like a drug charge or something, right. And you need a particular case from 2016, they don't have, they wouldn't, they don't have cases that's going to benefit you, because they know, they will have something from 2009 on down, and that's not going to help you win cases. Unless you know somebody from the outside, or you got a lawyer who's going to send you case information, that's the only way you're going to win your case. You know, and we have to call, not the Attorney General, but we have to call the Inspector General and make complaints. You know they listen to our conversation. So that another way to retaliate, you complain. We signed petitions saying, we need more than one computer, or we need more library time, because that's one of the things too, sometimes we don't even get access to library time. And that's part of our right to work on our case, we're supposed to have at least an hour, and sometimes we don't even get that, you know. When they pissed at you, they said, "no library for the day," or they will close it down. And, you know, so you got a case that you got to write a brief or something like that, a lot of times, you have to hand write it.

Like even my first case. When I won my case, I think it was partially typed and partially handwritten, you know, it was crazy. That's how they retaliate, man, especially like, you don't get to come out in the yard, they locked you down 23 hours a day, give you an hour outside. That's like, slight conducts, you know, that's how they treat you. Some places will let you out for four hours, other places will let you out for one hour, so it's not like consistency across the board. Other places will let you out, like, for example, in Folkston, that's down in Florida, will let you out soon as you get up in the morning. They got like a back door, so you can like go back and come back in as much as you want. That's I think one of the only exceptions, that facility right there. I think it's private. It's right next to like that prison, DeRay James, so when people leave prison, it's like, right there, they just come right over and stuff. So it's like, a holding area, I guess. But it's crazy how they treat you. Sometimes you just got to smile through all the pain and all the anguish, you know, because if not, you go crazy. And you're gonna be on medication for the rest of your life. And like, for Americans, 70% of the population on some kind of medication, pills, depression and all that stuff, you know. So you could just imagine when you go into a facility like that, not used to situations like that, how is that gonna affect you down the road? You know? It's like creating monsters in a sense, you know, if you're not, if your head is not on straight.

Mizue Aizeki

Can you talk a little bit more and share with us, Joseph, about fighting your case by yourself without a lawyer, pro se, as they call it?

Joseph Thompson

Yeah [laughs]. We just lay person and don't have the title yet, or a license so to speak. Fighting the case is very challenging. Because you got to know, you got to know about the law. And not just the law, you got to know immigration law, because immigration law is totally different from regular law. So, like state laws and stuff, you know. So, for example, like, you could have a misdemeanor, right. But in immigration it's considered a felony. So, say a judge gave you 12 months probation. That's a difference. If they said, "the judge gave you 12 months probation." The judge can find you. They sentenced you to 12 months probation. "Sentenced." That's the

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key word: "sentenced." That's the key to what immigration looks at. So if you were confined for 12 months, they say that's an aggravated felony. Versus the judge sentences just a straight probation, no confinement, that's a massive difference, right? And that's what ICE uses to their advantage, or they turn it on.... because ICE and the judge, it's what they all want basically, you know what I mean? Their purpose is trying to get you out the country; you're not deserving of being here. So the more people they get rid of, the more money for them basically.

So fighting a case, without a lawyer, man, is difficult because you got to factor in, you got to have time to go to law library. If you don't have access to that, then what about materials, books? We don't have law books, and stuff like that. We have to sometimes converse with people over the telephone to look up such and such law or cases. And we would have to write it down and stuff. And, you know, a lot of times we don't win our cases that way, because they make it even more challenging. A lot of times, too, sometimes you could get somebody from the outside have to send cases to you, like mail them to you. Sometimes you don't even get that because they go through your mail. And they decide what and what they gonna give you. You know. So that's another barrier. That's another challenge.

Mizue Aizeki

Yeah, and I remember in the interview, or in the report, he talks about how they also control the mail that goes out, right, like, if you're sending mail to legal support, it might not get there?

Joseph Thompson

Yeah. It might not get there, and I've seen many people get deported over that. Because, say you, um, you're supposed to mail in a document or some kind of brief or some kind of letter to the judge they will hold the mail to past due and then they will mail it off, you know, at their leisure. You know, one of my good friends got deported back to Nigeria. He's been here since he was two years old. They claimed the mail didn't get there in time. And when he mailed it off, you know, stamp date, because we don't have control over the mailing system. And all we could do was just put it in a little box, outgoing mail, or some places, you know, they got a box where you got to drop it off at a place such as store, they got an actual box where you can drop your mail; and other times you got to give it to the officers. And officers put it in a little bag, and they'll remember to drop it off to the mail place, but a lot of times they don't. They will look at it, especially if they see- if they claim you're a troublemaker, your mail isn't going nowhere, you know,

You know how I won my case? This lady over at Stewart asked how my brief was doing. And in order for it to make it there on time, because they was messing with the mail system, the lady actually had to take the mail outside the facility and drop it off from there. If she didn't do that, I wouldn't have won my case, Mizue. You know, it's just, we need more people with empathy and compassion, you know. ICE is like I said, that's a modern day, immigration plantation.

You know, they.... You know like how back in the day, how they used to sell slaves and stuff like that, to make money? It's kind of like kind of like that, in a sense, because they making \$600 out

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of each person. And they move around to facility to facility so they can make money, just so that you started out right back at the places you left. And even back then, like, you know, going and reading and stuff like that, they even have like some type of law, like that guy got something here. Things like the Fugitive Slave Law 1793. And, you know a master could legally seize a run away in any state and carry him before any federal or magistrate judge in the vicinity to obtain us....

Mizue Aizeki

Yeah. I mean, I think that that's a really great example of how the system is designed, right, that they have these mandatory detention laws that will basically, you know, even whether you have a lawyer or not, right, the laws are designed to make it extremely difficult for people to win their freedom. But obviously, much more difficult if you are inside, and you're having to figure out how to fight for yourself.

You know, and I think the point you raise about, well, what's the point, right? Like ICE talks about how they're doing this, because they're protecting public safety. But I think what your story and so many other stories show that it's not really about that, right? Like you talk about slavery, it's about systems of control. And it's about systems of defining who belongs who's going to have rights, and who that you know, and how can we bring the power of the government and the state down on people when they fight back? And we're going to get to fighting back towards the end of the podcast, but I thought that it would be really helpful for you to give a little bit more texture and description about this idea of transfers. You know, you talked about how you were transferred six times you they don't give you notice and you just get moved. Can you just talk a little bit about what that experience was like to be transferred from ICE prison to ICE prison?

Joseph Thompson

Yeah, because like, once you're kind of like settled... Say for example, my first immigration-plantation so to speak- was in Ocilla, Georgia. I didn't even know there was such a place called Ocilla in the first place, you know. Being there and stuff, I mean the people and everything the staff, you know.... man..... when you get to a place like Ocilla - everywhere you go, they got different rules and not all rules is the same. You may get away with one thing over here, like, you could probably wear your regular shirt, undershirt, because, you know, they get you a like a shirt or whatever to wear. But you could wear your regular shirt, like a shirt that you buy from, from commissary wherever. But in a place like that every rule everywhere you go, they got different rules. Some places they got to give, supposedly they supposed to give.... let you know where you are, you know, "hey we got a transfer for this person, Mr. Thompson to Tennessee. We don't get that. They kind of just pick you up. Tell you to pack it up. And sometimes you can't even take all the stuff, which you need. You can't take a whole lot of stuff with you. You can just take the bare minimum. What they would do they claim they go and put it in your property to whenever you get back or wherever the case may be. But a lot of times you know, you travel with the bare minimum. All your legal work and stuff like that get thrown out sometimes. Or they mistreated you when you tell them, hey, "this is important." They don't care.

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Sometimes they will give you time. Sometimes they won't. They will say, "okay, you're going to be leaving midnight tonight. Make sure you get all your things ready." Sometimes you don't get that, and in the morning, sometimes they come knock on your door. "Hey, Thompson pack it up."

You know in the beginning, I'm like I used to ask me like, "Oh, where am I going?" Some of them would answer, "Oh, man, are you going over here to Stewart." Or some of them answered, "We don't know. We just say that you're being transferred. Listen. That's it. That's all we know." So you never really get settled. So after so many transfer, you get like 10 transfers, sometimes in one week. It's crazy because like people, people get transferred from, they go to Miami- Krome. You know, they got a facility in Miami called **Krome**, you get transferred and then you get you stand and spend like a night there. You get transferred to Pennsylvania, spend two days there, get transferred to Chicago, then all the way down to Texas and back to Georgia. And for what? You know, they will tell you that, "oh, we got to make room for you in the facility. We need to make room. We don't have enough space yet." And if we don't have enough space here, why are you transferring? Say, if you don't have- if you only got 10 beds here, you saying there's not enough space? Okay? Why are you transferring us then? That's gonna leave one extra bed and that means you're gonna be able to get somebody else in when I leave. So that's pretty much how they do it. They just, they just move you around, like cattle, you know, and bring you back to the place you started from. You know, and, and that's, that's mentally that affects you, emotionally that affects you because you can't really develop friendship. Sometimes, because you move around so much, or if you do develop friendship, the next day, you may not see that person again, because they move people around so fast, you know, and you know, that kind of messes your mind a little bit. You know, some people commit suicide because they don't want to live like that. As a human being.

We are humans, we can't be treated as such. You know, because you inhumane to feed somebody something, or drop food on the ground, or give people molded food. I mean, we used to get food with mold in it. And we'd have to tell the board, "hey, you can't eat this." "Oh, that's all we have." Well you're not gonna eat that if you don't have money on your books, or little commissary, because you won't eat that day, you know what I mean? So it's just hard, man, it's just really hard. And to take it all in, sometimes. You got to get the word out, you got to let people be aware of what's going on behind these walls. That's why they don't even want cameras back there. Because you're going to find the truth. And they don't want that come up- they're covering up the truth.

I mean, kind of like, kind of like with a Irwin County, with the hysterectomies and stuff. All the doctors and stuff. I mean, I was sick many times and refused medical treatment, you know, it's just unless you die, even, even when people have heart attack, unless you die. And that's the only way you're going to leave the facility. Because when you leave the facility, they got to actually sign you out of the system. So when you go to the hospital, and when you come back in, they gotta send you back in, you know, so it's a process for them, and they don't like doing it, they don't like to do anything, any extra more work, you know? So, yeah, then well, you got to chime in now, you know [laughs]!

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Samah Sisay

I'm taking in everything you're saying. Because it is all so powerful. And I was really moved by what you said about ICE using transfers to keep people making connections that were inside, and also on the outside, right, with your family members and your loved ones, if you're always being like, how are you to have that support of the people who you know, your family and other people to support you? And really, it's like I said before, it's retaliation, right, it's a way to keep people being able to build power on the inside, to have the support from the outside so that they can, you know, push back about against the conditions that they're facing. And so I was just, like, really moved by that what you're saying and how it impacts people, you know, psychologically, emotionally, to just not be able to have those connections on the inside, or even with your family and your loved ones. And you had mentioned your son, which I thought was so powerful, you know, the idea that like, despite the fact that you have this young child, they were still trying to separate your family. And you've been home now, for you know, over a year and I'm just wondering, how what does it mean to you to have that connection to be able to reconnect with your family? And how, how, how did detention impact your family and those connections that you had before you were detained?

Joseph Thompson

Man, you know, my son, um, I think he was like, two going on three when I got locked up. Now he's seven, you know, time flies too! He called it "immigration station." I saw him one time when I was locked up. This was November of 2019, he came up there to spend Thanksgiving with me. Some places you don't get to, you don't get to hold your family. You know, you know, a lot of times, you know, you got that glass right there and there's no real connection between the two. But, um, he didn't know.. At one point, he thought I was dead, to be honest with you. You know, he thought that because he wasn't hearing from me or anything. You know, he asked his mama, you know, at a young age, you can't open up- you can only open up so much to a kid, you know what I mean? Because they probably wouldn't understand the hardship that that I was going through at the time, you know, "why you did Daddy? Why can't you come home? Want me to talk to the judge?" you know, little things like that. He'd say, you know, but he didn't know that it wasn't that easy, you know, to just be able to talk to the judge and they set you free. You know, it's more complex than that.

I guess the term "American" like, like the term "American," it means different to different people. You know, because we're supposed to be all as one, right? I mean, we're all supposed to be... you're in this country, whether you come here legally, illegally, you still got rights, you know? We still got that due process, so to speak, but we don't get that due process. Sometimes they bypass that, and it's like, he goes straight to jail. You get deported. You know, you don't get to say anything in court. You know, that's why you ever wonder why there's no jury or nothing like that when it comes to immigration? You know, they don't have anything like that; you go, it's pretty much a closed court, you go in there. And, you know, unless you got a lawyer, a lawyer, he'll try to speak for you. But 90% of the time, you know, you don't you get deported, you know.

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I've seen one guy where for example, he had spent \$14,000 on a lawyer to only spend two minutes in front of the judge to get deported.

Great. Two minutes. And now, the lawyer said, well, "we could try to do our I-130." Why didn't you bring that up in the first place? So that's just another system, it's a whole 'nother area where we've been taken advantage of. When you're in a system like that, it's like you're desperate. And you're looking for any, any hope, any claim or hope that could get you out of that situation, at some time will cost you dearly. But it just amazes me how you could feed off of somebody like that. You just take advantage of people, you know, 14,000 dollars for two minutes. Deported. Now an appeal gonna cost another 10,000, just so you can file an I-130 when that should have been the case, from the get go. But no, but because we don't know nothing, we don't know better, you're in a situation like that you don't know your rights.

And that's why I urge everybody, when you're in a situation like that, you got to be proactive, you got to, you got to. You got to sharpen your mind, as far as yours, you got to know your rights, you got to know these laws. You know, if you don't know, any lawyer can tell you anything. And you just kind of like, felt like the blind leading the blind, you're gonna follow that person to jump off the cliff, you know, they got their money, they want you to get deported on to the next person. You know, it's like a whole system, big money scheme for everybody. You know, so they design a system like that. The government making money, and also people in that pool in that circle, they make money off of immigrants, because they know we want to stay with our family, we want to stay with our kids, and we'll do anything, anything, stay with our kids, you know, to raise our family. You're going to uproot us in, 20, 30, 40 years. How are you going to take somebody when that's all they know, you're gonna send him somewhere else? You know, so it's...

### Samah Sisay

I think you summarized it, you know, amazingly, which is, as Mizue said in the beginning, and as the report really tries to highlight is that the system really tries to crush people. Right? But I think hard as it tries, what your story and the stories of so many other people, and the report shows is that it can't claim your humanity, you know, you're still a full human being with family members and humanity with connections. And regardless of how the system was built to crush you, people still resist, they still get released, still are able to connect with their families because of the power of people, not necessarily the law, because the law sometimes, isn't on our side, it could change, but-

### Joseph Thompson

No- especially when it comes to immigration. It's not on our side, trust me. It's people coming together for that one, cause you know, what I mean? Kind of like, kind of like what you guys doing right? You're shining the light, that hope and all these dark crevices that nobody wants to see or look at, you know what I mean? So it just amazes me, man, "how, how they get away with stuff like this!" But this been going on for years. You know, all these little camps they set up, we're gonna make money off of these guys, you know, they come here illegally, for whatever the reason is we just want to deport them. If that's the case, then why are you going to hold

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somebody for eight years? Seven years, six years in the system? Why not just send them home before it's that bad of a problem? Send them home. You know, don't keep them here. And that's the thing, you're going to keep somebody locked up. We still got rights even though we wasn't born here. We still got rights. We got human rights. You know, we got a right to be free, you know, we got a right to dignity, you know, we got, we got rights, freedom of speech. If I say something today, are you going to crucify me for tomorrow because I speak the truth, I want to shine the light? That's, that's just, that's just wrong man, you know. And all this separation that's been going on. That's just wrong. They take you from... like say you in Georgia, right? They will send you all the way down to Texas. Your family can't afford to come down there and see you. Your son won't see you. Your daughter won't see you. And so that's a mental thing that's going to mess with you anyway. So it's these little things, tactics they use to kind of weigh you down even more. Because they know you don't want to be in there. But yes, they are they gonna keep you there, they're going to punish, you know, mentally, physically, emotionally, they punish you. And when you're in a place like that, say, like, for example, me, I was I was doing good, I was working two jobs and everything.

You come out of there poor, usually lost all that you have. You don't have a roof over your head, unless you got good friends or something that don't want you out on the street, you're homeless. So here it is, you take somebody that's thriving in society, being a father to society, and you go, you're going to ruin that. Then once they get released, if they don't have a good family support, they got to start all the way over. It's hard starting over, some people they don't want to start over, you know, but sometimes we are forced in a situation that we got to keep our head up, and we got to keep moving forward. You know, and a lot of us, sometimes we don't have that mentality, we just say, we just want to give up. Back to ICE again, they just want you to give up. They want you to give up on your family, your friends, your freedom, all that human built in this country, and help build in this country, that you just... social security all gone, you know what I mean? So it's, if you don't claim it, all this unclaimed money they get it. They put it to whatever use they're going to use it for, you know, on a personal vacation trip and all that stuff. You know, kind of like these polices out here, basically, working for us, right taxpayers money, but you seeing all this innocent shooting and killing going on, especially with, you know, the Arbery family, you know, which was if you don't get things on tape, even with stuff on tape, they still try and deny. And so, so you can just imagine an immigration that all the wrongs they've done did, it won't come to light, because they're not going to show what they're doing. They're not going to tell it themselves. You know..

### Samah Sisay

Our report, *Cruel by Design*, was highlighting resistance efforts, right. So how people organized protests, hunger strikes, work stoppages, and media outreach efforts and other efforts of resistance on the inside and against ICE and the detention conditions that they were facing. Do you have any closing thoughts to share about resistance against immigration detention and what needs to be done moving forward? To change the system, but also to ensure the humanity of people who are being targeted by these various systems mentioned?

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Joseph Thompson

That's a full take right there. Well, we need more people like you guys, first of all because you guys are shining the light on what's going on. But we need, we also need, we all got to come together as a group. I mean, Congress got to step up and change the laws, you know? We got people, you vote for this person, that person, but sometimes our need still don't get met because you got people, you put people in position, and, you know, the whole justice system needs to be changed. You know, me personally, they need to do away with that mandatory detention, you know, they need to change that 42-C law. We got to hold people accountable. Because we're not holding ICE agents, we're not holding them accountable for their actions. And I think when we start holding them accountable, then we're going to see changes, you know, just by locking up people falsely, arresting people for just simple things, you know, the separation of family, we got we got to hold those people accountable, man, you know, and I think that's when we go once we start holding them accountable, we're gonna see things start moving in the right direction. Even if it's just a little bit, but we're going to be heading in the right direction. That's how I see it. You can chime in any time too, Mizue- did I say it right?

Mizue Aizeki

It's Mizue. Um, I feel really, you know, what do I want to say? I want to thank you, Joseph, for sharing your time and story, but also for your fight. I, you know, there aren't enough people that are able to get out and to be able to speak and share about how ICE treats people. And I think we're from the whole of it right from the impact it has on your family and your son and you know, your son having to spend Thanksgiving holiday in an ICE detention facility, to you, you know, as a father, and someone coming out, like you said, having to rebuild, right? And the bigger question, and everything that happens to you and other people when you're inside, and those who aren't lucky enough to get out right or get deported. But I think the question really looming for me is like, for what, right like that you raised in this conversation, what is the point of this whole system, other than to excessively punish people and to be excessively cruel and to impose a particular social order, that really requires so much harm and cruelty in order for it to thrive.

And I really do hope that by you and others and ourselves continuing to shine the light, but also shine the light as well as to fight back against these laws and systems that oppress people that we won't be needing to have this kind of conversation anymore, or 20 or 30 years from now. So I just wanted to, you know, close by just thank you. And just really holding, you know, just how, how difficult, I imagine, it has been, but also just sending forth a lot of hope for you winning your case. And I just really want to say thank you.

Joseph Thompson

Yeah, absolutely, and I think my case is going to free a lot of people. It's like one of those high profile cases, because they're trying to, the old administration trying to undo or trying to change what was written 50 years ago. So when, when somebody look up my case, *Thomson versus Barr*, they're going to see, and I hope, I hope I'm some kind of like a shining beacon to others, I try to be anyway, you know, I try to, I always say this, um, I aspire to inspire until I expire. So,

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that's it right there. You know, so, I'm gonna try, I'm gonna keep always trying to educate, and articulate, and demonstrate, you know, the way the whole system works when it comes to ICE, and hope somebody doesn't have to, like, for my example, I hope somebody can learn from it. You know, and, and maybe I just want to touch one person out there, that they don't have to go through what I went through, and that's job done. So, if I could help anybody, I'm willing to, because even when I was in there, I was helping people win their case, you know, people who ran out of money, who can't afford a lawyer anymore. You know, um, I used to just bring people case files and explain to them and, you know, about this the law, you know, in layman's terms, you know, people have one their case all because I brought information to them. You got to educate yourself because we got so much information in these books that we get to, you know, people written here for a reason, you know, some good, some bad, but, you know, it's there for a reason. So, it's how to utilize it to your advantage. Because the same laws they use to lock you up, are the same laws we got to use to get ourselves out of it. You know what I mean? So they got laws out there for a lot of things. Some of them are necessary, though, but, you know, I think they gave ICE way too much power. That branch of government though, but it is what it is, you know.

Quit separating people, you know, let people be with a family. The only option they give them right, if you say, my son, if they gave him the option to where he could go live with me in Jamaica, come on, man. You know, that's what kind of option you go and give a kid like that, you know, it don't make sense, but we all come from somewhere. We helped build this country, whether they like it or not, we helped build it, and I don't think that's going to change no matter how much, no matter how hard they try to change that, you know, it's not just going to be a white America. So it gets deep sometimes, you know, but ICE, the whole immigration thing. They need to, they need to change that with locking people up. And for months and years at a time. Come on, man, if you go, if you got issue with somebody, or they did something, and especially to like, say you did a crime, right? And you already did your probation? Are you going to come back to me and tell me you can come back 20 years, 30 years, and and accuse the person of that then get in my country 30 years from now, you know, it's crazy. They need to change that man. That's just poor justice. Almost like almost like double jeopardy in a sense, you know, you're gonna punish me for something I already did. And now you're gonna come back 20, 30 years, 40 years, you know. I seen one guy, he was like 78 years old, in a wheelchair, you know, they try to deport him. He'd been fought wars and everything. And they still trying to deport him, you know, just crazy. But everybody, we all got a story to tell. And we got to tell it.

### Samah Sisay

Yeah, thank you, Joseph, for telling your story. And for being here with us for being in conversation, and for contributing to the report, which we hope really, as you said, shines the light and really brings a lot of people to understand that the system is cruel by design. And so if folks want to learn more about Joseph's story and read about other people's stories who are resisting against the immigration detention system, please of course, check out the Center for Constitutional Rights and the Immigrant Defense Project's report, which is called again, *Cruel by Design: voices of resistance from immigration detention*. This has been an amazing informative

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moving conversation so I'm really grateful to Mizue and to Joseph for taking the time to be in conversation with me today.

Joseph Thompson

Thank you. Thank you for having me. I really appreciate you need more conversations like this.