

NEW JERSEY CHAPTER A.I.L.A. MEETING
FEBRUARY 18, 2014
SPANISH PAVILLION RESTAURANT
HARRISON, NEW JERSEY

Meeting Subject: U.S. Immigration & Customs Enforcement, Office of Enforcement & Removal Operations, New Jersey Field Office

NJ Chapter Chair Alan Pollack called the meeting to order at approximately 6:15 P.M. He indicated that the Chapter guests were the New Jersey District ERO upper management team. The following individuals were present:

John Tsoukaris, Field Office Director
Ruben Perez, Deputy Field Office Director
Joseph Simao, Assistant Field Office Director, Criminal Alien Program
Mark Vogler, Assistant Field Office Director, Congressional/Training
Fred Madera, Assistant Field Office Director, Detained Case Mgt./Jail Compliance
Ken Genalo, Assistant Field Office Director, Non-Detained Docket
Winne Chung, Assistant Field Office Director, Elizabeth Detention Facility & Delaney Hall
Jim Fitzgerald, Assistant Field Office Director, Marlton Field Office,
Christopher Crouteau, Supervisor, Fugitive Operations

FOD Tsoukaris indicated that 2013 reflected 368,000 deportations, 59% criminal aliens, & 98% within the designated Removal Priorities

He mentioned several pilot programs in the planning and initial operation stages including community relations outreach, Law Enforcement Community Groups & Public Safety. He invited communication with his office regarding dangerous situations or even business like violations of immigration laws.

Deputy Field Office Director Ruben Perez discussed the filing of Stays of Removal. He indicated that all stays are reviewed by the officer, first line supervisor, Assistant Field Office Director then either the Deputy Field Office Director or Field Office Director. Each decision is made on a case by case basis. A previous grant of a stay is no guarantee of a subsequent grant.

Perez made it clear, that to the fullest extent possible, a stay must be filed with a travel document. There are few if any exceptions to this rule so failure to submit a passport or other travel document will be considered an improperly filed Stay Request.

The physical act of filing of a stay should take no more than 30 minutes. Sometimes there are delays caused by inability to verify information, time differences etc. But ERO targets 30 minutes to accept filings. If filing results in a wait longer than 30 minutes, the attorney should ask for a supervisor right away. Then the review will be expedited and should be complete within another 10 minutes.

Responses to the stay request itself take longer. Obviously if an alien is about to be removed, that will generate a response more rapidly either positively or negatively. Inquiries are best made by telephone; first to the officer, then first line supervisor, then an AFOD. An acceptable response time should be within a day or so factoring in weekends, holidays and other unusual situations. No response within two days, attorneys are invited to contact the officer's supervisor.

Ken Genalo indicated that as non detained AFOD, his area includes stays, Deferred Action, Orders of Supervision, Release on Own Recognizance, Bonds. He also is involved in Air Operations which includes Government Owned Aircraft used for removals. (Secretary's Note: This would be a "Con Air" situation where dedicated Aircraft are used to ferry detainees between detention locations and eventual removal to foreign territories.)

Supervisor Christopher Crouteau indicated that his concentration is fugitive operations seeking out those who have failed to comply with voluntary departure and removal orders. Also re-entrants after prior removal.

Jim Fitzgerald stated that he is the "point of contact" for the Marlton Office which covers the 9 southern most counties. Any problems in the Marlton jurisdiction should be directed to him. He is relatively new in the Marlton Office but has been working in ICE for many years.

Fred Madera, AFOD for the detained docket covering Essex and Hudson County Jails. Present population is 650 detainees. He is also in charge of jail compliance which focuses on the welfare of the detainees in his charge. He asked that attorneys be clear and detailed in their requests for prosecutorial discretion and parole. He also indicated that is better to file for just one or at most two avenues for relief at a time, and not for several different things, thus raising a question as to what relief is actually being sought, and ultimately delaying adjudication.

AFOD Mark Vogler is actively involved with Community Outreach. There is an email (newarkoutreach@ice.dhs.gov) which is monitored by ICE Headquarters in Washington. This is used regarding detainees where community involvement is brought to the attention of ICE superiors. He also mentioned a pilot program addressing the requirements of "special needs" aliens where an alternative to detention is sought. This might involve health, emotional issues or even a single custodial parent when no other caretakers are available.

Joe Simao, AFOD for the CAP, (criminal alien program), covering the 12 northern counties and the 287g program in Hudson and Monmouth Counties. This is where local law enforcement officers are “deputized” as immigration officers and function as such including effecting immigration arrests and so forth. (Secretary’s note: 287g is personally disturbing because as is suggests a lawful “vigilante” program permitting essentially untrained individuals to become “shake and bake” Immigration officers. As a legacy INS criminal investigator, I saw law enforcement agencies act as such and violations were rampant.)

Simao is also active in the Secure Communities Program. This is designed to get communities to become involved with reporting dangerous situations involving criminal aliens and other law breakers under the umbrella of immigration violations.

Winnie Chung, AFOD for Elizabeth & Delaney Hall indicated that Delaney Hall is a low level security facility used to house non-criminal aliens and other low risk matters where custody is still deemed necessary. Elizabeth is considered both a medium and low level facility containing some criminal aliens that don’t require detention at a more secure location such as Essex County Correctional Center.

FOD Tsoukaris concluded the presentation commenting that “this was easiest meeting they had been to suggesting that there were few questions and the ones asked were easy. (Secretary’s Note: The I.C.E. Liaison Committee sought questions from the membership well in advance of the meeting. This was the time to voice your concerns.)

Respectfully Submitted,

Lawrence K. Le Roy
Secretary
NJ Chapter AILA