

# Judge rules immigration officials must turn over documents on Scarborough facility

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By John Terhune

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The U.S. Immigration and Customs Enforcement facility at 40 Manson Libby Road in Scarborough on Monday. *Brianna Soukup/Staff Photographer*

A federal judge has ordered U.S. Immigration and Customs Enforcement to release records about the agency's detention practices at its Scarborough facility, ruling in favor of Maine immigrant advocacy groups after a two-year legal battle.

"This ICE facility has really been cloaked in secrecy from the beginning," said American Civil Liberties Union of Maine Legal Director Carol Garvan, who called Judge John A. Woodcock's ruling last week "a victory for transparency."

The plan to open the ICE facility in Scarborough became public in February 2020, but information about the Scarborough site – including the extent of its current operations – has been hard to come by and prompted protests in Portland and lengthy town council meetings debating whether or not it could shut down the project.

“Here we are, two years later, without some basic questions answered,” Garvan said.

A spokesperson for ICE declined Monday to answer questions about the Scarborough facility’s purpose or whether it was currently in operation, citing the pending litigation.

The agency’s website lists the Scarborough facility as Maine’s only active “check-in location,” a separate designation from “enforcement & removal operations.”

In January 2021, the ACLU of Maine, the Immigrant Legal Advocacy Project, and the Refugee and Human Rights Clinic at the University of Maine School of Law filed a public information request for records detailing the transfer of detainees to or from ICE detention facilities in Maine and the Cumberland County Jail, as well as information on the Scarborough facility, according to court records.

After the agency failed to respond to the public records request within the 20 days allowed under state law, the groups sued for access.

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ICE eventually produced nearly 2,000 pages of documents related to the request, including construction documents showing details as specific as the type of carpeting planned for the facility, Garvan said. But they did not answer what she said were key questions: how many detainees would the building hold, how long would they stay, and when would the facility open its doors?

Last week’s court ruling backed the plaintiffs’ contention that ICE had not done enough to identify and release documents related to the Scarborough facility and the policies that govern it. The judge ordered the federal agency to conduct a new electronic search of its records using broader search terms.

In addition, officials from the agency’s Boston Field Office must disclose the policies that do or will govern the Scarborough center, which Garvan hopes will bring answers even in the absence of specific documents outlining plans for the facility.

But it’s not clear how soon the records will be released. The two parties are expected to establish that timeline this week, Garvan said.

Understanding ICE’s basic operations in Maine is an essential first step in making sure the agency acts humanely and responsibly, she said.

“ICE has a long history of abusing its power, physically and psychologically harming people, and rejecting basic standards of human decency,” Garvan said in a statement Monday. “When we know what ICE is doing, we can resist its abuses.”

The ALCU became interested in monitoring ICE's actions in Maine during the first year of the COVID pandemic, when the agency began using the Cumberland County Jail as a short-term transfer facility to briefly hold detainees located in New England before moving them to other parts of the country, including Texas and Louisiana, according to the plaintiffs' complaint.

The practice, which a jail official ended in December 2020, put detainees at heightened risk of contracting COVID-19 and violated ICE's own policies, the lawsuit alleged.

A 2017 report from Human Rights Watch found several problematic patterns across American immigration detention facilities, including "repeated, clear-cut instances of subpar medical care." The report also found that ICE often fails to identify internal problems and implement recommendations from oversight groups.

While immigration policy may seem like a distant concern to Mainers, living more than two thousand miles from the nation's southern border, government agencies and advocacy groups report a rising trend of labor exploitation.

## **DETENTIONS ON THE INCREASE**

The number of U.S. Customs Enforcement and Border Patrol encounters with migrants in Maine more than doubled to 9,700 from fiscal 2021 to 2022, according to department data. So far this year, encounters are up another 74%.

Last month, Border Patrol agents detained 17 undocumented workers living in a four-bedroom apartment in Lisbon.

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"The exploitation of the undocumented population will continue as long as there is no consequence," William Maddocks, chief patrol agent of the Houlton Sector, said in a statement after agents exposed what the department called an "elaborate human smuggling scheme."

"We will do all we can to remove the incentives that drive such exploitation," he said.

Yet after several weeks, advocates for the rights of undocumented workers have still largely failed to find out whether the Lisbon men are being detained or whether their employer is being investigated. ICE has declined to answer questions about whether the agency is investigating the situation and whether it is considering granting the workers a "deferred action" status that would allow them to remain in the country so they could cooperate in a labor violation investigation.

“I don’t know if they’re still in the United States,” labor trafficking attorney Nicolaas Groeneveld-Meijer told the Press Herald this month. “They could already be in Texas, or they could already have been deported.”

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