

EXHIBIT 5

Video Taken by Migrant Shows Overcrowded ICE Holding Cell in Manhattan

Immigrants have complained about unsanitary conditions in the facility at 26 Federal Plaza, including paltry meals and a lack of showers.



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By Luis Ferré-Sadurní

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For weeks, immigrants have complained about overcrowded and unsanitary conditions inside the holding cells of the federal immigration offices in New York City, drawing scrutiny from lawmakers and denials from the Trump administration.

On Tuesday, new video footage offered the first glimpse inside one of the four cells on the 10th floor of 26 Federal Plaza in Lower Manhattan, where the Immigration and Customs Enforcement agency has held hundreds of migrants for days at a time since ICE stepped up arrests this summer.

Two videos, which were recorded by a migrant who was held there last week and sneaked in his cellphone, show more than a dozen men sprawled on the floor atop thin thermal blankets or sitting on benches built into the room's white walls. In one video, the man, who recorded it near one of the room's two metal toilets, is heard saying in Spanish that the migrants were being held "like dogs in here."

ICE had traditionally used the cells, which don't have beds, to hold a small number of migrants for a few hours while they are processed and dispatched to detention centers outside the city. But the cells have become crowded since the agency scaled up arrests at its offices and in nearby immigration courthouses in May, forcing migrants to sleep on the floor or to sit upright, sometimes for several days.

The video appeared to confirm some of those conditions, which had previously been described by migrants in interviews with The New York Times, and had been highlighted by activists and Democratic lawmakers, who have been denied access to inspect the cells. The video was obtained by the New York Immigration Coalition through a Queens assemblywoman, Catalina Cruz, and first reported by The City, a local news outlet.

Tricia McLaughlin, a spokeswoman for the Department of Homeland Security, which oversees ICE, said that 26 Federal Plaza was not a detention center and that detainees were held there only "briefly."

“Any claim that there is overcrowding or subprime conditions at ICE facilities are categorically false,” she said. “All detainees are provided with proper meals, medical treatment and have opportunities to communicate with their family members and lawyers.”

Complaints about overcrowding at detention centers have surged as the Trump administration has ramped up deportations, filling the facilities to capacity. The number of people in detention across the United States increased to nearly 57,000 earlier this month, up from just under 40,000 at the beginning of the year.

In New York City, the holding cells on the 10th floor of 26 Federal Plaza have served as the first stop for most migrants after they are arrested by ICE. Often they are detained when they show up for routine hearings in Manhattan courthouses or during immigration appointments at the agency’s offices, which are just a few floors below.

More than 2,600 people have been held at 26 Federal Plaza since January, with a daily peak of more than 175 people on June 5, according to federal data released by the Deportation Data Project at the University of California, Berkeley. The average time a migrant was held at the facility increased to about 30 hours in May and June, up from an average of three hours during the same time last year.

Some migrants held in the cells have complained about paltry meals, fluctuating temperatures, a lack of showers and limited access to medical care, which has led to some hospitalizations.

Democratic members of Congress from New York have sought to conduct oversight of the 10th-floor cells as reports of unsanitary conditions have surfaced, citing congressional authority to make unannounced visits to inspect detention facilities. They have shown up at 26 Federal Plaza, staged rallies and sent a letter in June to Kristi Noem, the homeland security secretary, but the lawmakers’ efforts have been rebuffed.

Ms. Noem’s agency has argued that the cells are processing centers outside the purview of Congress, even as senior ICE officials at the New York field office have acknowledged that people have had to sleep there overnight.

“This video confirms what we’ve feared all along: ICE has been lying and locking us out to hide what’s happening inside,” Representative Nydia Velázquez, a Democrat, said. “There is no more excuse. ICE must grant members of Congress immediate access to the 10th floor and shut this facility down.”

The release of the videos came a day after Ms. Noem and Thomas Homan, President Trump’s top border adviser, appeared in New York to warn that ICE would step up enforcement in the city after the shooting of an off-duty customs officer on Saturday. Two men from the Dominican Republic who administration officials said had entered the country illegally were accused of ambushing the officer, who is expected to recover.

Ashley Cai contributed reporting.

Luis Ferré-Sadurní is a Times reporter covering immigration, focused on the influx of migrants arriving in the New York region.

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