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**Georgia: Court: No forced labor allowed at Corecivic prison**

11th Circuit Keeps Alive Claims of Forced Labor at Private South Georgia Detention Center

The opinion did not address the merits of the claims but said a federal law barring forced labor can be applied to a privately run immigration detention center in south Georgia. A federal appeals court has found that a privately run immigration detention center in south Georgia is covered by a federal law prohibiting the use of forced labor. The U.S. Court of Appeals for the Eleventh Circuit's narrowly drawn opinion does not address the merits of a federal lawsuit claiming the inmates are coerced by threats of force and the withholding of basic necessities to coerce them to work but clears the way for their claims to proceed. The ruling notes that its ruling is the first time a circuit court has considered whether the Trafficking Victims Protection Act applies to facilities such as the Stewart Detention Center in Lumpkin. The facility is operated by CoreCivic, the company formerly known as the Corrections Corporation of America. Similar claims against the operators of for-profit detention centers are being considered by federal courts in Texas, California, Colorado and Washington. The opinion, written by Senior Judge Frank Hull with the concurrence of Senior Judge Stanley Marcus and visiting Senior Judge Barbara Rothstein of Washington's Western District, said the plain language of the statute carves out no special protection for centers such as Stewart. CoreCivic had argued that Congress' intention in crafting the 2000 TVPA was to curtail the use of threats and violence by individuals or criminal enterprises engaged in human trafficking. "We do not find a private government contractor's obtaining forced labor through actual or threatened force, restraint, or serious harm to be so far removed from the purpose Congress identified as to cause us to look beyond the plain statutory language," Hull wrote for the panel Friday. "Just because Congress may have had in mind a particular narrow objective—here, combating human trafficking—does not on its own justify a departure from the principle that we should give general terms their general meaning." The underlying complaint was filed in 2018 by a group of lawyers from the Southern Poverty Law Center, Project South in Atlanta, Burns Charist in Dallas and the Law Office of Andrew Free in Nashville, Tennessee. The putative class action in the U.S. District Court for the Middle District of Georgia claimed among other things that forcing the inmates to work is a violation of the TVPA. Meredith Stewart, supervising attorney for the SPLC's Immigrant Justice Project, hailed the ruling as confirmation that "private detention companies like CoreCivic can be held to account for operating exploitative forced labor schemes." "CoreCivic has profited immensely at the expense of detained immigrants deprived of basics like food and hygiene products," Stewart said. "CoreCivic has forced the immigrants detained at Stewart Detention Center to work for next to nothing for access to these necessities, all the while threatening them with solitary confinement if they refuse to work." CoreCivic attorney Nick Acedo said the ruling affirmed that Stewart's operations comply with standards established by Immigration & Customs Enforcement governing private contractors, which specifically allow for voluntary work programs at ICE sites. "CoreCivic is pleased the Eleventh Circuit recognized that the company is required to offer a voluntary work program to detainees at the Stewart Detention Center, and that operating the program in conformance with the Performance Based National Detention Standards does not give rise to liability under the Trafficking Victims Protection Act (TVPA)," said Acedo, who argued the case before the appellate panel. Most of the plaintiffs' allegations "allege conduct that complies with the PBNDS, and therefore does not violate the TVPA," said Acedo via email. "When discovery commences and the plaintiffs must present evidence to support their TVPA claims, CoreCivic looks forward to refuting it. We are confident that the employees at Stewart have been, and will continue to operate the voluntary work program appropriately and as directed by our government partner." According to the complaint, CoreCivic makes detainees at the Stewart Detention Center work at a variety of jobs, paying them between \$1 and \$4 a day for sweeping and scrubbing floors, doing laundry, preparing food and washing dishes. Those who participate are allowed to stay in two-person cells with a bathroom and a temperature-controlled shower, among other perks. CoreCivic does not provide necessities such as toilet paper, toothpaste and soap, which must be purchased at the commissary, according to the complaint. Those wishing to make a phone call must purchase expensive phone cards. Inmates who decline to participate face "serious harm, including the deprivation of privacy and safety in open living quarters, referral for criminal prosecution, and, ultimately, the sensory and psychological deprivation of their humanity resulting from solitary confinement," the complaint said. "Under these circumstances, no labor is voluntary—it is forced. CoreCivic asked District Judge Clay Land to dismiss the federal claims, arguing that Congress never intended for TVPA to apply to "lawfully held detainees," but he declined to do so. Instead, Land said the claims stated a plausible cause of action at the motion to dismiss stage, and that there is no limiting

language in the act exempting for-profit detention centers. He also certified the issue for immediate appellate review. In January arguments, Acedo, a partner at Struck Love Bojanowski & Acedo, conceded that, while there is no limiting language in the TVPA allowing CoreCivic to escape its purview, allowing the plaintiffs' claims to proceed would essentially "criminalize" routine operations at detention centers. Arguing for the plaintiffs, attorney Free said the act speaks for itself and is plainly applicable to CoreCivic's operations and that the appeals court was wasting its time even hearing the appeal. A U.S. Department of Justice attorney also weighed in, endorsing neither side's position in the underlying suit but asking the panel not to issue a broad ruling that might jeopardize DOJ's ability to use the many for-profit detention centers it contracts with around the country. Friday's ruling said the opinion "should not be read to call into question the legality of voluntary work programs in federal immigration detention facilities, or to call into question longstanding requirements that detainees or inmates be required to perform basic housekeeping tasks," said the ruling. "All we hold today is that the plain language of the TVPA brings within its scope for-profit government contractors operating work programs in federal immigration detention facilities, and such entities are not categorically excluded or shielded from liability under the TVPA," the opinion said.