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Asylum-seekers sue over wages at prison in New Mexico

ALBUQUERQUE — The operator of one of the largest private prison systems in the United States paid detained immigrants at a Western New Mexico prison as little as \$1 per day as part of “volunteer” work programs, and refused to pay them minimum wages even though they were not convicted of any crimes, a new federal class-action lawsuit alleges. Three detained men from the Central African country of Cameroon who came to the U.S. seeking asylum were paid the low wages for janitorial and kitchen work at the CoreCivic-run prison at the Cibola County Correctional Center in Milan, near Grants, according to court documents filed Wednesday in U.S. District Court in Maryland. For about six months, Desmond Ndambi, Mbah Emmanuel Abi and Nkemtoh Moses Awombang were held at the detention center after surrendering to U.S. officials at the U.S.-Mexico border in Texas in June 2017, said Joseph Sellers, the attorney for the men and a partner at Washington, D.C., law firm Cohen Milstein Sellers & Toll. All three men are members of a politically persecuted Anglophone minority in Cameroon, and they came to the U.S. fleeing torture and persecution by police, Sellers said. But it was while they were awaiting the hearing for asylum that prison officials offered the men a chance to make money to cover basic necessities like phone calls, food and toiletries while in detention. The men were sometimes paid around 50 cents an hour or \$15 a week regardless of the number of hours they worked, in violation of state and federal wage laws, the lawsuit said. “They had no way of knowing if that was unlawful or not until they consulted a lawyer,” Sellers said. “They were doing real work like the rest of us work. They are entitled to be paid overtime. They are entitled to be paid the prevailing wage. They were paid far below it.” Amanda Gilchrist, spokeswoman for the Nashville, Tenn.-based CoreCivic, said she couldn’t speak to the specifics of pending litigation. However, Gilchrist said all work programs at CoreCivic’s U.S. Immigration and Customs Enforcement detention facilities are completely voluntary and operated in full compliance with ICE standards. “We set and deliver the same high standard of care — including three daily meals, access to health care and other everyday living needs — regardless of whether a detainee participates in a voluntary work program,” Gilchrist said in a statement. Sellers said the men were not facing criminal charges and are now U.S. residents living in Maryland and Ohio. The men are seeking an unspecified amount in back pay and damages. Attorneys said they believe as many as 1,000 other immigrants held at the Cibola County Correctional Center might have worked for similarly low wages and could be entitled to relief. Last year, a federal judge ruled that Washington state could pursue its lawsuit seeking to force GEO Group — one of the nation’s largest operators of privately run immigration detention centers — to pay minimum wage for work done by detainees. The for-profit company runs the Northwest Detention Center, a 1,575-bed facility in Tacoma, Wash., where detainees are held pending deportation proceedings.