

NEW JERSEY ADVOCATES FOR IMMIGRANT DETAINEES
NYU IMMIGRANT RIGHTS CLINIC
C/O WASHINGTON SQUARE LEGAL SERVICES
245 SULLIVAN STREET, 5TH FLOOR
NEW YORK, NY 10012
INFO@NJPHONEJUSTICE.ORG

December 13, 2013

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Room TW-B204
Washington, DC 20554

RE: Report and Order and Further Notice of Proposed Rulemaking WC Docket No. 12-375

Dear Secretary Dortch,

The New York University School of Law Immigrant Rights Clinic (“IRC”)¹ and New Jersey Advocates for Immigrant Detainees (“NJAID”) file a joint comment in the above-referenced proceeding. IRC is a leading institution in both local and national struggles for immigrant rights, representing immigrants and immigrant rights organizations in their cases and campaigns. NJAID is a coalition of civic and religious organizations whose goals include bringing attention to the plight of immigrant detainees in New Jersey correctional facilities and working to improve the conditions in those institutions.

The U.S. government detained over 400,000 immigrants in 2012 while their deportation proceedings were pending, and is on course to do the same this year.² Detainees face significant barriers in defending their deportation cases due to lack of access to legal support and evidence. For those detainees who do succeed in their cases, their reintegration is made more difficult by the months or years of separation immigrant detainees experience from their families during their detention. Both of these concerns make access to reasonably priced phone calls a necessity. Although immigration detention is not meant to be punitive, detainees are held in jails and prisons and are subjected to the same phone rates as other people in prison and jails but without the right to counsel. Contact with family and community is all the more important because they depend on them for any evidence and testimony in order to fight their case.

IRC and NJAID applaud the FCC's recent Order making interstate rates more reasonable and noting the positive effect this will have for immigrants detained in out-of-state facilities.³ Given the high rate of transfers of immigrant detainees to various parts of the country this step is a major milestone for all people in prisons, jails, and detention facilities, as well as this population in particular.

IRC and NJAID urge the FCC to regulate the remaining phone rates that affect people detained or incarcerated in prisons, jails, and detention facilities. In facilities across the country like the Essex County Correctional Facility in New Jersey and several other New Jersey facilities highlighted below, detainees are being held in their own home state and therefore depend on intrastate calls to connect with their family members.

Additionally, immigrant detainees are unique in that they may still have ties to and the need to gather evidence from other countries. As a result, international rates, which are even more exorbitant than current intrastate and interstate rates, must be regulated. For all of the reasons outlined herein, we urge the FCC to exercise its authority under Section 276 of the Communications Act (FNPRM ¶ 135) and set reasonable phone rates for correctional institutions, including detention facilities, nationwide.

SUMMARY OF COMMENTS

After receiving numerous complaints from immigrant detainees and their families regarding the high telephone rates in New Jersey county jails, IRC and NJAID have been engaging our local community leaders about the issue and investigating the current phone plans. Through these conversations and investigations, we have learned a great deal about existing phone rates, how facilities contract with private for-profit companies for service in New Jersey, and how immigrants in particular are adversely affected by the exorbitant phone rates.

Our comments below are therefore divided into two parts. First, we present information primarily on intrastate (local, intraLATA, and interLATA) and international rates at state correctional facilities and ten county jails in New Jersey. Our data shows that:

- No facility is within even the hard cap rate for collect calls set by the FCC Order for interstate rates.
- After implementation of the FCC's recent Order on interstate inmate calling services (ICS) rates, intraLATA and interLATA rates will be higher than interstate rates in all these facilities.

- New Jersey’s intrastate rates are up to nearly \$8 more expensive for a fifteen-minute call than the comparable rate at neighboring New York’s state prisons, whose rate reform the FCC acknowledged with approval.
- At almost \$20 for a fifteen-minute call, international rates in some New Jersey facilities are exorbitant compared to the safe harbor and hard cap rates set by the FCC for interstate rates.

Detainees and other people in prison in New Jersey experience exorbitant rates, a lack of political will by local and state-level government, and inaction on the part of New Jersey’s Board of Public Utilities to cap intrastate prison and jail phone rates or to set fair rates. In light of this, we believe that federal regulation of intrastate and international rates is critical to ensure just and reasonable rates for all individuals held in New Jersey jails, prisons, and detention facilities.

In the second part of our comment, we emphasize the importance of intrastate and international telephone service to immigrant detainees. Immigrant detainees are particularly vulnerable to high phone rates due the scope and duration of immigration detention, immigrants’ need to stay in touch with family and community at home and abroad, and the importance of phone calls to immigration proceedings. We are certain that the FCC’s regulation of intrastate and international rates will benefit the hundreds of thousands of immigrants detained each year, as well as their families and communities.

COMMENTS

The following comments answer the FCC’s questions on whether states have failed to ensure just, reasonable, and fair ICS rates (FNPRM ¶ 132). It also addresses how commission payments should not be recoverable because of the incentives they provide facilities to charge unreasonable prices (FNPRM ¶ 133). Finally we address the apparent lack of affordable international rates and they great burden this can create for the population NJAID serves (FNPRM ¶ 166).

I. THE INTRASTATE TELEPHONE RATES FORCED ON PEOPLE IN PRISONS AND JAILS IN NEW JERSEY ARE UNIFORMLY ABOVE THE HARD CAP AND SAFE HARBOR RATES PRESUMED TO BE FAIR AND REASONABLE FOR INTERSTATE CALLS IN THE RECENT FCC ORDER

1. Telephone Contracts and Commission Payments

All state facilities and many county jails in New Jersey utilize Global Tel*Link (GTL) to provide phone services, either through New Jersey State Contract No. 61618 or independently.⁴ The state

contract sets the phone rates and commission payment for state facilities and offers six options for phone rates and commission payments for counties to select.⁵ The next section contains the data we have gathered on through the Open Public Records Act from the state of New Jersey and Bergen, Essex, Hudson, Mercer, Middlesex, Monmouth, Ocean, Sussex and Union Counties and which options they chose.

Both the state of New Jersey and counties set rates based on these contract options, which involve ancillary costs and commissions. The state contract provides a flat rate for local and intrastate calls along with a commission payment. Counties have variable rates for intrastate rates (including local, intraLATA, and interLATA rates) and all collect commissions. For example, Mercer, Ocean and Union Counties all chose the option which allows them to collect a 56% commission payment. Essex County, which has capacity for 800 immigrant detainees from Newark ICE custody (who are likely to be most affected by intrastate phone rates), collects 54% commission. Bergen County, which has an independent contract with GTL, collects 60.5% commission.⁶ Note that the ten counties whose rates we know have declined to opt into either of the two state contract options that offer lower per-minute rates. The lowest of these offers ICS intraLATA and interLATA calls for \$0.10 per minute with a one dollar surcharge, and would give facilities a 15% commission payment.

2. *New Jersey Intrastate Overcharges*

The following chart shows how much a fifteen-minute phone call is under the current scheme in New Jersey. The second to last column demonstrates how much more fifteen-minute intrastate (local, intraLATA, and interLATA) calls will cost than the fair and reasonable *interstate* calls under the safe harbor rates when the FCC Order goes into effect. The last column demonstrates how much more fifteen-minute New Jersey intrastate (local, intraLATA, and interLATA) calls cost than corresponding New York state correctional facility calls under the regulations. As the Commission noted in the previous ruling on interstate rates, New York required its Department of Corrections to negotiate a contract with the lowest possible rate and to eliminate commissions from prison phone contracts in 2007. New Jersey's prices are not cost-based and a price cap would not harm phone companies' ability to return a reasonable profit. Additionally, more reasonable calls will lead to increased use of phone services, which would increase billable phone minutes.

| NJ Prison⁷ or County Jail Operator | Current Cost of 15 Minute Call | Distance | Overcharges Above FCC Fair Rate For Interstate Calls | Overcharges Compared to NY |
|--|---------------------------------------|------------------|---|-----------------------------------|
| <i>State of NJ</i> | \$4.95 | Flat Rate | \$3.15 (debit) \$2.85 (credit) | \$4.23 |
| <i>Bergen</i> Capacity for 180 detainees in ICE custody | \$1.65 (debit) | Local | \$0 | \$0.93 |
| | \$1.75 (collect) | same prefix | \$0 | \$1.03 |
| | \$4.80 (debit) | IntraLATA | \$3.00 | \$4.08 |
| | \$4.95 (collect) | in area code | \$2.85 | \$4.23 |
| | \$7.30 (debit) | InterLATA | \$5.50 | \$6.58 |
| | \$7.50 (collect) | out of area code | \$5.40 | \$6.78 |
| <i>Essex</i> Capacity for 800 detainees in ICE custody <i>& Sussex</i> | \$1.75 | Local | \$0 | \$1.03 |
| | \$4.00 | Intra LATA | \$2.20 | \$3.28 |
| | \$4.20 | | \$2.10 | \$3.48 |
| | \$5.50 | Inter LATA | \$3.70 | \$4.78 |
| | \$5.70 | | \$3.60 | \$4.98 |
| <i>Hudson</i> Capacity for 450 detainees in ICE custody | \$2.50 | Local | \$0.70/\$0.40 | \$1.78 |
| | \$4.75 | Intra LATA | \$2.95/\$2.65 | \$4.03 |
| | \$7.75 | Inter LATA | \$5.95/\$5.65 | \$7.03 |
| <i>Mercer, Hunterdon, Ocean & Union</i> | \$3.25 | Local | \$1.45/\$1.15 | \$2.53 |
| | \$5.50 | Intra LATA | \$3.70/\$3.40 | \$4.78 |
| | \$8.50 | Inter LATA | \$6.70/\$6.40 | \$7.78 |
| <i>Middlesex & Monmouth</i> | \$2.50 | Local | \$0.70/\$0.40 | \$1.78 |
| | \$4.75 | Intra LATA | \$2.95/\$2.65 | \$4.03 |
| | \$7.75 | Inter LATA | \$5.95/\$5.65 | \$7.03 |

3. International Rates at New Jersey Facilities

Any person held in a New Jersey facility may have family members overseas and thus rely on international calls to maintain those ties. The population NJAID specifically serves is from countries around the world that need to contact family and friends in other countries in order to provide documentation that might be used to prove hardship, past persecution, and country conditions in immigration proceedings that could lead to their deportation. Detainees may also have to call internationally to raise money for legal assistance or even prepare for placement in another country after deportation. Few facilities provide easily accessible information on their

international rates, but the following list compares the cost of a fifteen minute call under the known rates to fifteen minute calls under the safe harbor rate set by the FCC.

| NJ Prison or County Jail Operator | Current Cost of 15 Minute Call | Distance | Overcharges above FCC Fair Rate |
|---|---------------------------------------|-----------------|--|
| <i>Bergen</i> Capacity for 180 detainees in ICE custody | \$19.80 | International | \$18.00/\$17.70 |
| <i>Essex</i> Capacity for 800 detainees in ICE custody | \$17.85 | International | \$16.05/\$15.75 |

While it is to be expected that international calls are more expensive than intrastate and interstate calls, private companies such as Verizon allow for fifteen-minute international calls at a price as low as \$3.00.⁸ This is roughly six times less expensive than the plans offered by Essex and Bergen counties.

4. Lack of Political Will by Local Governments

As we noted in our comment to the previous notice of proposed rulemaking, we are currently advocating on state and local levels to reduce intrastate telephone rates in New Jersey. However, our efforts have not met with success. In November of 2012 we submitted a formal request to the Essex County Executive regarding telephone rates at the Essex County Correctional Facility. The County rejected our request, stating that they would not discontinue the current contract. Evident in the County’s statement is a plain disregard for the public interest: “All detainees and inmates, as well as those outside the facility, are made aware of all costs associated with services provided at the facility and have free choice whether to avail themselves of these services.”⁹ County officials clarified that this “free choice” means that individuals are free not to call their loved ones. It is clear that local governments will not opt for contracts that provide lower rates insofar as they receive substantial revenue from telephone commissions. In 2012, telephone usage at the jail generated approximately \$950,000 in revenue for Essex County¹⁰; around \$388,000 for Monmouth County, and \$530,351.30 for Bergen County.

Neither the New Jersey Board of Public Utilities nor the New Jersey State Legislature have stepped in to resolve this issue through regulation or legislation. Although public pressure in New Jersey is mounting, it is unclear whether these entities will act in the foreseeable future.

Given that state and local officials may be unable or unwilling to regulate these issues locally, we ask the FCC to take action by protecting the right of persons in prisons, jails, and detention facilities in states like New Jersey.

II. REGULATION OF INTRASTATE AND INTERNATIONAL RATES WILL FURTHER BENEFIT IMMIGRANT DETAINEES

Detainees in the custody of Immigration and Customs and Enforcement (ICE) are frequently transferred between states¹¹ and therefore will greatly benefit from the FCC's action to limit interstate prison phone rates. However, many immigrant detainees will continue to suffer under disproportionately high intrastate rates, including local, intraLATA, and interLATA rates. Immigrant detainees are also particularly impacted by exorbitant international rates.

1. Scope and Duration of Immigration Detention in New Jersey

The scope of immigration detention in New Jersey reflects the expansion of ICE detention nationwide. Congress requires that ICE keep an average of 34,000 immigrant detainees in custody each day.¹² New Jersey is home to approximately 2,200 beds for immigrant detainees in private and county correctional facilities.¹³ In addition to hosting immigrant detainees from out-of-state, New Jersey county correctional facilities hold many immigrant detainees whose family and loved ones are within the state. For example, Essex County Correctional Facility contracts with ICE to make 800 beds available for immigrant detainees in Newark ICE custody.¹⁴ Private facilities in New Jersey have 750 additional beds for detainees facing immigration proceedings in New Jersey.¹⁵ These immigrants are likely to be New Jersey residents with local ties who suffer from high intrastate – rather than interstate – phone rates.

These detainees often spend months, if not years, in these jails. In November and December 2012, detainees in New Jersey spent an average of 62 days in detention.¹⁶ Among states with at least 250 individuals leaving ICE custody, detainees in New Jersey had spent the fifth longest average number of days in detention.¹⁷ Seven percent of detainees were detained for over 180 days.¹⁸ During these extended periods of detention, detainees spend from \$4.00 to \$5.70 on a fifteen-minute call to loved ones within the state of New Jersey but outside the local exchange.¹⁹ High intrastate rates limit immigrants' ability to remain connected to their families and pursue immigration relief during extended detention.

2. Impact of Phone Rates on Family and Community Contacts

Immigrant detainees are particularly vulnerable to the high cost of prison phone rates. Unlike people who are held on criminal charges, people facing immigration charges are considered

“civil” detainees,²⁰ may be held without bail,²¹ and can be incarcerated with no clear endpoint to their detention.²² Given how easily it is for them to be brought into the detention system and how difficult it may be to get out, it is particularly important for immigrant detainees to keep in touch with their families and the outside world. For example, Ms. N, an immigrant from Cameroon who has lived in the United States for over 20 years, was detained at Hudson County Jail for five months in 2008.²³ During that time she struggled to stay in contact with her two sons, age 15 and 18, despite the fact that all parties were in New Jersey at the time of her detention. She recounts that the calls were so expensive and would cut off so frequently that she often spent \$25 to talk for 10 minutes.²⁴ The high cost and inconsistent quality of phone service at Hudson County Jail jeopardized her ability to fulfill her role as a mother and remain connected to her family.

High international rates also impact immigrant detainees, who by virtue of having immigrated are likely to have family in other countries. If they do get deported, they must contact friends or family to arrange a living situation when they arrive, often after many years in the United States.

3. *Importance of Telephone Access for Legal Proceedings*

Since immigrants in deportation proceedings do not have a right to government-appointed counsel,²⁵ many immigrant detainees represent themselves *pro se*. In fact, as of 2011 83% of detained immigrants were unrepresented.²⁶ Nonetheless, immigration proceedings are highly fact-specific and require respondents to use the phone to gather evidence necessary for their cases. For example, both lawful permanent residents and undocumented immigrants may face removal but may be eligible for cancellation of removal, a discretionary form of relief from deportation that requires the immigration judge to determine the immigrant’s good moral character and the hardship her deportation would cause to her family.²⁷ To support this type of application, a detainee would need access to reasonable intrastate phone rates in order to contact family, friends, employers, and schools within the state. This contact allows a detainee to gather documentation of the positive equities of his case to present to the immigration judge. The currently prohibitive intrastate phone rates—for example, \$7.75 for a fifteen-minute call from Hudson County Jail to some parts of New Jersey—prevent detainees from meaningful access to their records and evidence.²⁸

International rates may also pose a problem for legal proceedings. Immigrants such as those described above may need to provide evidence of hardship as part of the discretionary applications for relief from deportation, and thus will need to contact family members abroad to obtain country conditions information. For some, this access to evidence is life or death. Asylum applicants, for example, must show a well-founded fear of persecution in their home countries, which often involves expert testimony and evidence from overseas.²⁹ Therefore, they rely on

international phone calls to gather critical information that could prevent them from having to return to a dangerous situation in their home country. The currently prohibitive international phone rates—for example, \$17.85 for a fifteen-minute call from Essex County Correctional Facility and \$19.80 for a fifteen-minute call from Bergen County Jail³⁰—constitute a serious obstacle for detained asylum applicants and other immigrant detainees. High intrastate and international phone rates contribute to the impact of detention on immigrants’ legal proceedings: as of 2012, 74% of New Yorkers facing deportation who were not detained obtained relief and were able to remain in the United States, while only 3% of detained immigrants in deportation proceedings achieved such relief. High ICS rates clearly impact the legal rights of immigrant detainees in New Jersey and elsewhere.

CONCLUSION

NJAID and IRC applaud the FCC’s Order ensuring that inmates and detainees across the country pay just, fair, and reasonable interstate rates (Order ¶ 12). The Order will result in dramatically reduced phone rates for immigrant detainees from out-of-state who are housed in New Jersey correctional facilities. However, New Jersey’s current failure to reform intrastate ICS rates will create an anomalous situation where intrastate calls are more expensive than interstate calls. Therefore, we encourage the FCC to exercise its authority to regulate intrastate rates under Section 276 of the Communications Act (FNPRM ¶ 135). It should continue to pursue the policy of facilitating contact between people in jails, prison, and detention facilities and their communities by requiring that intrastate ICS rates be cost-based (FNPRM ¶ 131). Additionally, the FCC should protect the rights of *pro se* asylum applicants and other immigrants by ensuring that international ICS rates are just and reasonable.

¹ The views expressed herein represent the views of the Immigrant Rights Clinic and not necessarily those of New York University or its affiliates. This comment was written by Zachary Dorado ’15 and Rebecca Hufstader ’15 under the supervision of Alina Das, Assistant Professor of Clinical Law, for IRC and NJAID. Coalition Members include American Friends Service Committee (AFSC) Immigrant Rights Program; Casa de Esperanza; the Episcopal Immigration Network; Lutheran Office of Governmental Ministry in NJ; NJ Association on Correction; NJ Forum for Human Rights; Pax Christi NJ; Middlesex County Coalition for Immigrant Rights; Monmouth County Coalition for Immigrant Rights; People’s Organization for Progress- Bergen County Branch; the Reformed Church of Highland Park; Sisters of St. Joseph of Chestnut Hill ESL; Unitarian Universalist Congregation at Montclair; IRATE & First Friends.

² DETENTION WATCH NETWORK, ABOUT THE U.S. DETENTION AND DEPORTATION SYSTEM, *available at* <http://www.detentionwatchnetwork.org/resources>.

³ *See infra* p. 7

⁴ N.J. Dept. of Treasury, Notice of Award, Term Contract(s) I-1934 Inmate/Resident Telephone Control Service, *available at* http://www.state.nj.us/treasury/purchase/notice/contracts/t1934_05-x-32533.shtml.

⁵ *See* N.J. Dept. of Corr. Renewal Addendum, Contract 61618, Exhibit A: County Rate/Commission Matrix Options (June 4, 2010) [hereinafter County Price Matrix], *available at* <https://wwwnet1.state.nj.us/treasury/dpp/ebid/Buyer/GetDocument.aspx?DocId=12912&DocName=T1934CountyPriceMatrix.pdf&DocLoc=15>.

⁶ A copy of the contract was obtained via public records and is on file with the authors of the comment.

⁷ The information on each facility was obtained from the counties they are located in via public records and is on file with the authors of this comment.

⁸ Available at <http://www.verizonwireless.com/wcms/global/international-long-distance.html>.

⁹ Letter from Essex County Department of Corrections Business Office to NJAID, dated Jan. 4, 2013 (on file with authors of this comment).

¹⁰ We received the Essex County commission reports from January 2012 through November 2012 in our request for all 2012 commission reports. The commission generated through these 11 months was \$872,099.90. We added the monthly average, \$79,281.81, to this sum in order to reach the \$950,000 estimate.

¹¹ See HUMAN RIGHTS WATCH, *LOCKED UP FAR AWAY 2* (2009), available at <http://www.hrw.org/reports/2009/12/02/locked-far-away-0>.

¹² Nick Miroff, *Controversial Quota Drives Immigration Detention Boom*, THE WASHINGTON POST (Oct. 13, 2013), http://www.washingtonpost.com/world/controversial-quota-drives-immigration-detention-boom/2013/10/13/09bb689e-214c-11e3-ad1a-1a919f2ed890_story.html.

¹³ SEMUTEH FREEMAN & LAUREN MAJOR, NYU LAW IMMIGRANT RIGHTS CLINIC, *IMMIGRATION INCARCERATION 11* (2012), available at

<http://www.afsc.org/sites/afsc.civicaactions.net/files/documents/ImmigrationIncarceration2012.pdf> (describing Essex County's contract with ICE to provide 800 beds at Essex County Correctional Facility and to subcontract for 450 additional beds in privately-run Delaney Hall); LINDSAY CURCIO ET. AL., *DETENTION WATCH NETWORK, EXPOSE & CLOSE: HUDSON COUNTY JAIL, NEW JERSEY 2* (2012) (identifying Hudson County Jail as having up to 450 beds available for immigrant detainees), available at

<http://www.detentionwatchnetwork.org/sites/detentionwatchnetwork.org/files/ExposeClose/Expose-Hudson11-13.pdf>; Immigration and Customs Enforcement and Corr. Corp. of America, *Contract for Comprehensive Secure Detention Services, Elizabeth, NJ* (March 3, 2010) [hereinafter Elizabeth Contract] (on file with NYU Immigrant Rights Clinic) (contracting for 300 ICE beds at Elizabeth detention center); Monsy Alvarado, *More Immigrant Detainees To Be Housed in Bergen Lockup*, THE BERGEN RECORD (May 4, 2013), http://www.northjersey.com/news/206069191_More_immigrant_detainees_to_be_housed_in_Bergen_lockup.html (noting the increase in immigration detention beds in Bergen County Jail to 194).

¹⁴ FREEMAN & MAJOR, *supra* note 13, at 17.

¹⁵ *Id.*; see Elizabeth Contract, *supra* note 13; Richard Khavkine, *Essex County Freeholders Approve 5-Year Deal for Immigration Detention*, THE STAR-LEDGER (Sept. 8, 2011), http://www.nj.com/news/index.ssf/2011/09/essex_county_freeholders_appro.html;

¹⁶ TRANSACTIONAL RECORDS ACCESS CLEARINGHOUSE, SYRACUSE UNIV., *LEGAL NONCITIZENS RECEIVE LONGEST ICE DETENTION* (2013), available at <http://trac.syr.edu/immigration/reports/321/>.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Calculated based on the rates contracted for through the New Jersey State contract with Global Tel-Link. See County Price Matrix, *supra* note 5.

²⁰ See 8 U.S.C. § 1226(a) (providing authority to detain potentially any noncitizen).

²¹ See *id.* § 1226(c)(2).

²² See *Demore v. Kim*, 538 U.S. 510, 532 (2003) (Kennedy, J., concurring) (holding that detention of noncitizens may be continued for an indeterminate length of time so long as it is not “unreasonable” or “unjustified”).

²³ RUBEN LOYO & CAROLYN CORRADO, NYU LAW IMMIGRANT RIGHTS CLINIC, *LOCKED UP BUT NOT FORGOTTEN 10* (2010), available at <https://www.afsc.org/sites/afsc.civicaactions.net/files/documents/LockedUpFINAL.pdf>.

²⁴ Interview with Ms. N (Nov. 17, 2013).

²⁵ 8 U.S.C. § 1229a(b)(4)(A).

²⁶ *Improving Efficiency and Ensuring Justice in the Immigration Court System: Hearing Before the Senate Committee on the Judiciary*, 112th Cong. 1 (2011) (testimony of the American Immigration Lawyers Assoc.), available at <http://www.aila.org/content/default.aspx?docid=38020>.

²⁷ 8 U.S.C. § 1229b.

²⁸ See *supra* Part 1.2

²⁹ The REAL ID Act heightened the evidentiary standards asylum applicants must meet. Pub. L. No. 109-13, § 101(a)(3), 119 Stat. 231, 302; see also 8 U.S.C. § 1158(b) (allowing immigration judges to require asylum applicants to provide evidence to corroborate their testimony under specified circumstances).

³⁰ Bergen County, N.J. and Inmate Tel., Inc., Inmate Telephone Services Agreement (Oct. 2, 2008) (on file with the NYU Immigrant Rights Clinic).