



New Jersey

P.O. Box 32159
Newark, NJ 07102
Tel: 973-642-2086
Fax: 973-642-6523
info@aclu-nj.org
www.aclu-nj.org

August 5, 2026

VIA EMAIL AND CERTIFIED MAIL

Acting Field Office Director Arthur J. Wilson, Jr.
Newark Field Office
Immigration and Customs Enforcement
970 Broad St., 11th Floor
Newark, NJ 07102
Newark.Outreach@ice.dhs.gov

Re: Unconstitutional Restrictions on Visitation at Delaney Hall

Dear Acting Field Office Director Wilson:

Since the detainee-led labor and hunger strike inside Delaney Hall began in mid-May, the American Civil Liberties Union of New Jersey has received numerous reports regarding dangerous and unlawful conditions of confinement at Delaney Hall. Today, I write to focus on serious concerns regarding Delaney Hall's visitation policies. Visitation with loved ones is essential to the health and well-being of people in detention and their families and communities outside of detention; and these relationships are constitutionally protected. Yet visitation remains severely restricted. Reports on the recent death of Edwin Jovanny Lopez Cornejo revealed that Mr. Lopez Cornejo's family was denied visitation in the weeks leading up to this death.¹ The ACLU-NJ calls on U.S. Immigration and Customs Enforcement ("ICE") to implement a transparent, fair, and accountable visitation policy that ensures family, friends, and others supporting people detained at Delaney Hall have appropriate access to loved ones inside.

We understand that the denials and restrictions on visitation have taken several forms:

- 1) The facility has restricted visitation only to people identified as immediate family members, sometimes demanding proof of this relationship. This policy has excluded visitors who are

¹ See, e.g., Sophie Nieto-Munoz, *Mom 'Heartbroken' Over Death of Son Detained at Migrant Jail Delaney Hall*, New Jersey Monitor (Aug. 3, 2026), <https://newjerseymonitor.com/2026/08/03/immigrant-dies-dies-delaney-hall/> (reporting that "when [Mr. Lopez Cornejo] tried to put his aunt and 12-year-old daughter on the approved visitation list, his request was denied"); Jordan Chariton, *Breaking: Another Delaney Hall ICE Prisoner Has Died, Status Coup On the Ground* (Aug. 3, 2026), <https://www.statuscoupsubstack.com/p/breaking-another-delaney-hall-ice> ("Shortly before his death, he was denied visitation to see his 12-year-old daughter.").

cousins, legal guardians, close friends, or other intimate relations. In at least one instance, a spouse was required to present a marriage license.

- 2) Even for those considered immediate family members, rules and standards are being applied in an arbitrary fashion. On numerous occasions, detainees have confirmed that they added eligible loved ones to their visitor list, but when family members arrived, officers claimed that they were not listed and turned them away. These family members included previously confirmed spouses and children who had traveled for hours.
- 3) Immediate family members who have spoken publicly and in the press about their loved ones and the conditions inside of the facility have been denied permission to visit, in apparent retaliation for the exercise of their First Amendment rights.
- 4) Visitation policies are not clearly and consistently communicated. Delaney Hall has operated with a significantly restricted visitation schedule for several weeks. However, all public sources for visitor information still provide for a broader visitation schedule,² prompting some families to travel long distances in reliance on the publicized schedule only to be turned away.

Overly Restrictive Visitation Policy. Delaney Hall detainees are not prisoners. They are in “civil, not criminal” detention, which must be “nonpunitive in purpose and effect.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). But the detention conditions at Delaney Hall, with respect to visitation, are more restrictive than those in state prison and the Federal Bureau of Prisons.³ Those in civil detention “are entitled to more considerate treatment and conditions of confinement than criminals whose conditions of confinement are designed to punish.” *Youngberg v. Romeo*, 457 U.S. 307, 322 (1982). Punitive conditions that may be constitutional in criminal detention likely violate the Constitution when applied to immigrant detainees. Delaney Hall’s visitation restrictions are exactly such conditions.⁴

² Both ICE and GEO Group maintain schedules on their websites that permit visitation 4 days a week for people in all units of the facility for a span of at least 5 hours. *Delaney Hall Detention Facility*, U.S. Immigr. & Customs Enf’t, <https://www.ice.gov/detain/detention-facilities/delaney-hall-detention-facility> (last visited Aug. 4, 2026); *Locations: Delaney Hall*, The GEO Group, Inc., <https://www.geogroup.com/facilities/delaney-hall/> (last visited Aug. 4, 2026).

³ See generally, *Visiting NJDOC Facilities*, State of N.J.: Dep’t of Corr., <https://www.nj.gov/corrections/pages/Visitation.html> (last visited Aug. 4, 2026) (“encourag[ing]” visitation with family and community members, and providing for visitation multiple days a week at every location); *General Visiting Information*, Fed. Bureau of Prisons, <https://www.bop.gov/inmates/visiting.jsp> (last visited Aug. 4, 2026) (enumerating a long list of permitted visitors including relatives and supporters who are not considered immediate family, such as in-laws, cousins, clergy, members of civic groups, and up to ten friends).

⁴ Furthermore, the context in which Delaney Hall adopted such restrictive policies and practices – namely, right after initiation of the labor and hunger strike, which garnered national attention and fueled criticism aimed at ICE and GEO Group – strongly suggests that these restrictions were

To the extent Delaney Hall’s restrictions on visitation frustrate the ability of parents and children to maintain a relationship and for detainees to associate with loved ones, without any countervailing institutional interest in the restriction, they infringe on fundamental constitutional rights, including those that protect family integrity and parental rights as well as the right to associate. In *Stanley v. Illinois*, the U.S. Supreme Court emphatically articulated the importance of a parent’s interest “in the companionship, care, custody, and management of his or her children.” 405 U.S. 645, 651 (1972). It was along those lines that the District of New Jersey found that the denial of family visitation between incarcerated people and their kids denied the children of “one of the most fundamental of all human rights” and lacked a legitimate basis. See *Valentine v. Englehardt*, 474 F. Supp 294, 302 (D.N.J. 1979).

In addition, the First Amendment “protects an individual’s right to enter into and maintain certain intimate human relationships,” *Starnes v. Butler Cnty. Ct. of Common Pleas*, 50th Jud. Dist., 971 F.3d 416, 431 (3d Cir. 2020) (citation modified), including for people in detention. See, e.g., *Overton v. Bazzetta*, 539 U.S. 126, 131 (2003) (making clear that the Court did *not* hold or imply that “any right to intimate association is altogether terminated by incarceration”). Delaney Hall’s restrictive and inconsistent policies and practices unlawfully burden the rights of people detained at the facility; the government has no legitimate interest in blocking loved ones from seeing family members in detention. In fact, studies indicate that visitation supports orderly facility operations. See, e.g., Sonja E. Siennick, Daniel P. Mears & William D. Bales, *Here and Gone: Anticipation and Separation Effects of Prison Visits on Inmate Infractions*, 50 J. Rsch. Crime & Delinq. 417, 435 (2013) (finding that in the weeks leading up to an in-person visit the probability of an incarcerated person committing a facility infraction decreased).

Moreover, denying family visitation has devastating effects on people in detention and their families.⁵ Detained persons deprived of visitation report struggling with depression,⁶ and research shows that their children struggle with depression and loneliness when they cannot see their parents for prolonged periods.⁷ The evidence is clear: “the health and well-being of incarcerated

adopted as a consequence of the detainees’ strike in an effort to punish them. This plainly violates detainees’ due process rights.

⁵ Importantly, many people in detention do not have immediate family who can visit them in custody. Instead, they rely on the support of non-nuclear family members, friends, and community members. This is especially true for individuals whose immediate family may not be in the United States or within driving distance of the facility, or whose immediate family members are noncitizens and therefore make the difficult decision not to visit out of fear that they may be targeted by immigration enforcement authorities at the detention center.

⁶ Dean Burns et al., *The Experiences of Men in Prison Who Do Not Receive Visits from Family or Friends: A Qualitative Systematic Review*, 34 Crim. Behav. & Mental Health 271, 271 (2024) (stating that “[l]oneliness and depression were extensively described as effects of not receiving visits”).

⁷ Kristen P. Kremer et al., *The Role of Visits and Parent-Child Relationship Quality in Promoting Positive Outcomes for Children of Incarcerated Parents*, 27 Child & Fam. Soc. Work 206, 206 (2021); Lindsey Cramer et al., *Parent-*

parents and their children improve when they are able to maintain contact within a structured family intervention.”⁸ ICE’s own detention guidelines recognize the importance of visitation with loved ones, including people who are not close family. The 2019 National Detention Standards, which apply to Delaney Hall, articulate a policy that “encourages visits from family and friends” in an effort to “maintain detainee morale and family relationships.”⁹

Retaliatory Practices. Family members of people detained at Delaney Hall have reported that they have been turned away by the facility despite confirmation that they were on their loved one’s visitor list. The facility has failed to provide reasons for these denials beyond advising visitors that they did not appear on “the list” at the time they attempted to enter the facility. In some cases, evidence suggests that visitors were denied entry because of public comments they made that were critical of conditions at Delaney Hall or ICE enforcement activity.

Any denials motivated at least in part “by a desire to punish [the detainees or their families] for the exercise of a constitutional right” are unlawful. *Alexander v. Fritch*, 396 F. App’x 867, 871 (3d Cir. 2010) (citation modified). The reports of retaliation at Delaney Hall are consistent with ICE’s history of canceling or restricting visitation in retaliation for critical First Amendment activity at other facilities. *See, e.g., Freedom for Immigrants v. U.S. Dep’t Homeland Sec.*, No. 2:19-cv-10424-AB, 2020 WL 2095787, at *1, *3 (C.D. Cal. Feb. 11, 2020) (finding plaintiff likely to succeed on the merits of its First Amendment retaliation claim when ICE shut down plaintiff’s various visitation programs and blacklisted members from visiting detainees after plaintiff “publicly criticized ICE’s treatment of detained immigrants”).

Abstaining from expressive activity that is critical of Delaney Hall, ICE, or GEO Group cannot be a condition for visiting loved ones; such a policy, even if informal or inconsistently applied, clearly runs afoul of the First Amendment. *See, e.g., Snyder v. Phelps*, 562 U.S. 443, 451-52 (2011) (“Speech on matters of public concern . . . is at the heart of First Amendment’s protection.” (citation modified)).

* * *

Restricting visitation at Delaney Hall in the ways community members have reported is inhumane, violates fundamental constitutional rights, and contradicts DHS policy. Accordingly, the ACLU-NJ calls on ICE to remedy this situation immediately by (1) establishing and implementing updated written visitation policies that resolve the constitutional concerns identified above and (2) ensuring GEO Group staff, as ICE’s agents at Delaney Hall, are properly trained to implement the remedial policies consistently and fairly.

Child Visiting Practices in Prisons and Jails, Urb. Inst. (2017), <https://www.urban.org/research/publication/parent-child-visiting-practices-prisons-and-jails>.

⁸ *The Value of Visitation*, Vera Inst. of Just. (June 21, 2016), <https://www.vera.org/the-human-toll-of-jail-2016/fighting-for-face-time/the-value-of-visitation>.

⁹ U.S. Imm. & Customs Enf’t, *National Detention Standards for Non-Dedicated Facilities* 163 (2019), <https://www.ice.gov/doclib/detention-standards/2019/nds2019.pdf>.

Sincerely,

A handwritten signature in black ink, appearing to read "Molly K.C. Linhorst". The signature is fluid and cursive, with the first name "Molly" being more prominent than the last name "Linhorst".

Molly K.C. Linhorst
Staff Attorney

CC: Delaney Hall Warden Luis Soto