



FOR IMMEDIATE RELEASE
September 4, 2020

Immigrants Detained at Buffalo Federal Detention Center Sue Federal Contractor Over \$1-Per-Day Work Program

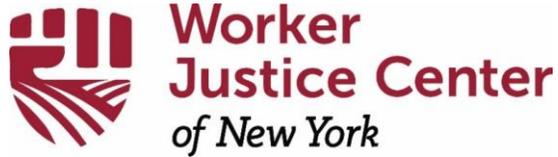
Contact: Robert McCreanor, Esq. rmccreanor@wjcny.org 845-331-6615 ext. 1007

KINGSTON, NY – The Worker Justice Center of New York (WJCNY) has filed suit in New York’s Supreme Court against the private, for-profit company, Akima Global Services (AGS), for its exploitation of detained immigrants at the Buffalo Federal Detention Center in Batavia, NY. Plaintiffs Bounam Phimasone and Dalila Yeend allege that, while detained, they were hired by AGS to perform manual labor in the facility. Instead of wages, AGS paid Mr. Phimasone and Ms. Yeend \$1 per day in commissary credit, regardless of hours worked.

The lawsuit, filed on Thursday afternoon, alleges that AGS’s practice of crediting detainees one dollar per day for many hours of labor violates the New York State Constitution and various provisions of the Labor Law, including minimum wage. It also alleges that AGS unjustly enriched itself through this exploitative practice. AGS contracts with the federal government to operate the Buffalo Federal Detention Center and is paid a daily rate for each bed filled per day. By requiring detainee-employees to perform essential functions at well below the legal minimum wage, AGS avoids hiring non-detained employees to work for fair market wages, thereby depressing the local economy and increasing its own profits.

Many of those detained in Batavia are held indefinitely, despite never having committed a crime. Ms. Yeend and Mr. Phimasone were released from detention in 2018 and 2019, respectively and now reside legally in New York State. Commenting on the case, Ms. Yeend states: “This practice of paying people one dollar per day is bordering on slavery. For the total hours that I worked, it was pennies per hour. It’s basically free work. When I think that I was working for a for-profit company, it’s disgusting.”

Both AGS and Immigration and Customs Enforcement have been repeatedly criticized for their treatment of immigrants at the Buffalo Federal Detention Center, including their failure to protect detainees from the spread of COVID-19. According to Gloria Martinez, Board Co-Chair of the Columbia County Sanctuary Movement, the plaintiffs’ allegations are consistent with the experiences of others detained in Batavia: “One of our members risked his life as a detention center essential worker being paid a dollar a day to clean the infirmary and the living quarters of those who contracted COVID.”



Jennifer Connor, Executive Director of Justice for Migrant Families, a Buffalo-based organization that supports detainees at Batavia, further attests to the exploitative nature of AGS's employment practices: "During the COVID pandemic, people who are detained are given a small hotel sized bar of soap for a week and so must buy their own hygiene supplies from the company-owned commissary. Working for \$1 a day for commissary when commissary is required to make phone calls to lawyers and family, buy stamps to mail letters and important documents, buy extra food because the portions provided in Batavia are notoriously meagre, is not a choice. This is coercion."

Plaintiffs are represented in the case by WJCNY attorneys Robert McCreanor, Maureen Hussain, Laura Revercomb, and Dan Getman (of counsel), with support from Borealis Philanthropy. WJCNY is a not-for-profit organization with a mission to pursue justice for those denied human rights with a focus on agricultural and other low wage workers, through legal representation, community empowerment and advocacy for institutional change.

###