



**AMERICAN IMMIGRATION LAWYERS ASSOCIATION**

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Dear Senator,

The American Immigration Lawyers Association strongly supports the Secure and Safe Detention and Asylum Act, a bipartisan amendment (#4020) to S. 2611 offered by Senators Sam Brownback and Joe Lieberman. This amendment would provide important and needed protections for asylum seekers and help to ensure an effective and humane system of immigration detention.

AILA, and the more than 9,700 immigration attorneys we represent, recognizes the essential need for an efficient detention system that protects the due process rights of each individual entrenched in detention and removal proceedings. Because many provisions of S. 2611 would likely increase the number of detained immigrants, many of whom would be asylum seekers, it is imperative that a fair and effective system for detention and removal is in place. The Brownback-Lieberman amendment would provide these protections by ensuring prompt initial custody determinations, full implementation and enforcement of detention standards, and reasonable alternatives to detention for eligible individuals.

The amendment would also implement the key recommendations of the US Commission on International Religious Freedom (USCIRF), which issued a critical report last year describing procedures that impair the right to seek asylum, and poor treatment of asylum seekers held in detention. USCIRF and a number of other reports have documented serious abuses, and the UN High Commissioner for Refugees has repeatedly criticized our detention of asylum seekers as inconsistent with U.S. treaty obligations.

The amendment would provide oversight and a means of enforcing DHS's existing manual of detention standards by directing the Secretary to develop new standards or modify existing standards to improve detention conditions in several areas, including the use of shackling and solitary confinement, and access to legal counsel and medical care. Non-criminal non-violent detainees would have to be separated from inmates with criminal convictions, and the Secretary would have to promulgate standards addressing the unique needs of asylum seekers, victims of torture, families with minor children, and other vulnerable populations.

To ensure that detention standards are fully implemented and enforced, the amendment establishes an Office of Detention Oversight within DHS to conduct inspections of

detention facilities and investigations; receive and review written complaints from detainees; and report to the Secretary and to Immigration and Customs Enforcement its findings of a detention facility's noncompliance with standards. It also requires an annual report to the Secretary and Congress on the Office's findings and actions taken to remedy problems. This provision codifies, strengthens and expands an existing office in DHS.

The amendment also would expand the Legal Orientation Program (LOP) of the Department of Justice Executive Office for Immigration Review to immigration detainees nationwide. The LOP facilitates immigrants' access to justice, improves immigration court efficiency, and saves government resources. Expanding this program nationwide is in the best interests of all.

The Brownback – Lieberman Amendment would provide for reasonable and much-needed changes to our immigration detention system, particularly for the most vulnerable population of refugees and asylum seekers, and we urge you to support its adoption.

Sincerely,

Jeanne Butterfield  
Executive Director