

VIA Email Delivery Only

November 21, 2022

President Joseph R. Biden, Jr.
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Re: Closing Immigrant Detention Facilities

Dear President Biden,

We, the undersigned groups, believe that the best traditions of our country demand that we protect the rights and dignity of people who come to our nation in pursuit of safety or a better life. We urge you to recognize that our shared values of humanity and compassion require the dismantling of our system of mass immigrant detention. In particular, we urge you to support the closure of Immigration and Customs Enforcement detention sites, prevent the development of new detention sites or expansion of existing ones, and seek reduced funding for immigration detention from Congress. Now is the time for principled leadership following the long-awaited court ruling lifting the Title 42 public health expulsion order. As your administration stands up processing of individuals, we urge you to not fall back on harmful, arbitrary, and unnecessary detention in response to people seeking protection.

Immigrant Detention is Inhumane

Inhumane conditions and treatment are rife across the immigrant detention system. Examples include Baker County Detention Center, where people have been pepper sprayed while already pinned down or confined and targeted with anti-Black racial slurs and harassment. Women at Baker have endured humiliation—such as being denied sanitary napkins and clean clothes, forcing them to sleep in blood-soaked sheets.¹ At Stewart Detention Center, women have been forced to engage in sexual contact with a staff member, blocked from leaving medical exam rooms, and forced or coerced into giving access to intimate parts of their bodies without medical justification.²

¹ Baker recently denied ACLU attorneys access to clients and prospective clients, resulting in a federal lawsuit. Baker continues to refuse to distribute legal mail and has opened legal mail outside of the presence of the recipient. See ACLU of Florida, “ACLU of Florida Sues Sheriff’s Office for Denying Immigrants Right to Counsel,” Sept. 26, 2022, <https://www.aclufl.org/en/press-releases/aclu-florida-sues-sheriffs-office-denying-immigrants-right-counsel>

² Southern Poverty Law Center and Partner Organizations, “Sexual Assault of detained immigrants by nurse at Stewart Detention Center, a U.S. Department of Homeland Security immigration detention facility operated by CoreCivic,” July 12, 2022, <https://www.splcenter.org/sites/default/files/stewart-detention-center-nurse-complaint-07-12-2022.pdf>

ICE has kept detention sites open despite extensive documentation of abuse. For instance, the Department of Homeland Security's (DHS) own Office of Inspector General found in March 2022 that conditions at Torrance County Detention Center in New Mexico warranted removal of all people from the site. Five months later, a young Brazilian man named Kelsey Vial died by suicide at Torrance. Since then, conditions have continued to deteriorate—including solitary confinement, threats and verbal abuse, insect infestations, and medical neglect.³ Yet the facility remains open.

Black people in immigrant detention suffer particular mistreatment—they are more likely to suffer prolonged periods of detention and are less likely to be released on bond or parole than non-Black people.⁴

Immigrant Detention is Unjust and Unnecessary

Mass immigrant detention is wrong for our country. It tears parents and caretakers away from their children, it robs families of their breadwinners, and it leaves gaping holes in the hearts of our communities. It cannot be reconciled with due process and fairness; people in detention have far less access to lawyers and the information they need to navigate the immigration system, and as a result are far less likely to prevail in their immigration cases than those not detained.⁵ The act of being detained is itself damaging physically and mentally, even for healthy individuals.

While inhumane conditions exist throughout the ICE detention system, private prison companies are some of the biggest beneficiaries of mass immigrant detention, and have pocketed hundreds of millions in taxpayer dollars from ICE contracts, many of which include wasteful contract terms.⁶ Just as you took bold action to phase out the Department of Justice's private prison contracts, we urge you to act decisively on immigrant detention sites—the vast majority of which

³ Letter from Senator Martin Heinrich et al to ICE Acting Director Tae Johnson, Oct. 20, 2022, <https://www.heinrich.senate.gov/newsroom/press-releases/heinrich-leads-request-for-immediate-action-from-ice-to-address-inhumane-unsafe-conditions-for-migrants-at-the-torrance-county-detention-facility>.

⁴ Robert F. Kennedy Human Rights, "Shadow Report to the Committee on the Elimination of Racial Discrimination (CERD), July 28, 2022, <https://rfkhumanrights.org/reports/shadow-report-to-the-committee-on-the-elimination-of-racial-discrimination-cerd>

⁵ According to one study, just 3 percent of individuals in detention and without a lawyer succeeded in their cases, compared to 74 percent of represented individuals who were released or never detained. Stacy Caplow, Peter L. Markowitz, Jojo Annobil, Peter Z. Cobb, Nancy Morawetz, Oren Root, Claudia Slovinsky, Zhifen Cheng, and Lindsay C. Nash, "Accessing Justice: The Availability and Adequacy of Counsel Removal Proceedings: New York Immigrant Representation Study Report," *Cardozo Law Review* 33, no. 2 (2011-2012), <https://brooklynworks.brooklaw.edu/cgi/viewcontent.cgi?article=1551&context=faculty&httpsredir=1&referer=>. Another study found that detained immigrants represented by counsel obtained successful outcomes at a rate more than 10 times higher than those who were unrepresented. Ingrid V. Eagly and Steven Shafer, "A National Study of Access to Counsel in Immigration Court," *University of Pennsylvania Law Review* 164, no. 1 (December 2015), https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=9502&context=penn_law_review.

⁶ GAO, "Immigration Detention: Actions Needed to Improve Planning, Documentation, and Oversight of Detention Facility Contracts," GAO-21-149, Feb. 12, 2021, <https://www.gao.gov/products/gao-21-149>

are run by private prison companies—as a first step towards ending mass immigration incarceration.⁷ You have voiced a desire to do just that, and it is not too late.⁸

Closing detention sites also makes fiscal sense. Continuing to invest billions of dollars in immigration jails and detention centers is fiscally irresponsible and deprives newcomers arriving to the United States of dignity and access to due process. We urge you to, instead, invest taxpayer dollars in our communities by supporting non-profit organizations providing community-based support services to those navigating the immigration court system. Reducing the costly and harmful detention system is a prerequisite to movement toward the more humane U.S. immigration policy your administration is committed to pursuing.

If you have any questions about matters raised in this letter, please contact Andrea Carcamo (acarcamo@freedomforimmigrants.org), Setareh Ghandehari (sghandehari@detentionwatchnetwork.org), or Jennifer Ibañez Whitlock (jwhitlock@aila.org).

Sincerely,

ACLU of New Mexico
Aldea - The Peoples Justice Center
American Civil Liberties Union of Florida
American Friends Service Committee (AFSC)
American Gateways
American Immigration Council
American Immigration Lawyers Association
Americans for Immigrant Justice
Asian Americans Advancing Justice - Atlanta
Asian Americans Advancing Justice | AAJC
Asylum Seeker Advocacy Project (ASAP)
Austin Region Justice for Our Neighbors
Black and Brown United in Action
Black Immigrant Bail Fund
Black LGBTQ+ Migrant Project (BLMP)

⁷ Eunice Cho, “More of the Same: Private Prison Corporations and Immigration Detention Under the Biden Administration,” ACLU, Oct. 5, 2021, <https://www.aclu.org/news/immigrants-rights/more-of-the-same-private-prison-corporations-and-immigration-detention-under-the-biden-administration>.

⁸ NPR, “Biden Has Yet to End the Business of Detaining Immigrants As He Promised, Critics Say,” June 14, 2021, <https://www.npr.org/2021/06/14/1006349508/biden-has-yet-to-end-the-business-of-detaining-immigrants-as-he-promised-critics>

Bridges Faith Initiative
California Immigrant Youth Justice Alliance
CASA
Casa de Esperanza
Center for Gender & Refugee Studies
Center for Immigration Law and Policy, UCLA School of Law
Centro de Trabajadores Unidos
Centro de Trabajadores Unidos: United Workers Center
Church World Service
Civil Rights Education and Enforcement Center
Coalición de Derechos Humanos
Coalition for Humane Immigrant Rights (CHIRLA)
Colorado Asylum Center
Communities United for Status & Protection (CUSP)
Community Justice Exchange / National Bail Fund Network
Comunidades Unidas en una Voz
Connecticut Shoreline Indivisible
Detention Watch Network
DIRE Legal
Disability Rights Advocates
Doctors For Camp Closure
El Refugio
Faith in New Jersey
Families for Freedom
First Friends of NJ and NY
Florence Immigrant & Refugee Rights Project
Freedom for Immigrants (FFI)
Haitian Bridge Alliance
Hispanic Federation
Home is Here NOLA
HOPE CC
Houston Immigration Legal Services Collaborative

Human Rights First
Human Rights Initiative Of North Texas
Humanitarian Outreach for Migrant Emotional Health (H.O.M.E.)
Illinois Coalition for Immigrant and Refugee Rights
Immigrant Action Alliance
Immigrant Defenders Law Center
Immigrant Defense Project
Immigrant Legal Resource Center
Immigrant Welcoming Working Group, Plymouth Congregational Church of Minneapolis
Immigration Equality
Innovation Law Lab
Interfaith Campaign for Just Closures
Interfaith Movement for Human Integrity
Iowa Migrant Movement for Justice
Japanese American Citizens League
Jewish Activists for Immigration Justice of Western Mass
JUNTOS Philadelphia
Just Futures Law
Justice for Our Neighbors El Paso
Justice Strategies
La Resistencia
Legal Aid Justice Center
Long Beach Immigrant Rights Coalition
Louisiana Advocates for Immigrants in Detention
Mariposa Legal
Mariposa Legal, program of COMMON Foundation
Migrant Center for Human Rights
Minnesota Freedom Fund
Minnesota Interfaith Coalition on Immigration
MN8
National Immigrant Justice Center
National Immigration Law Center

National Immigration Project (NIPNLG)
National Latina Institute for Reproductive Justice
National Network for Immigrant and Refugee Rights
National Partnership for New Americans
New Jersey Alliance for Immigrant Justice
New Mexico Immigrant Law Center
New York Immigration Coalition
New York Justice for Our Neighbors, Inc.
NM Dream Team
No Detention Centers in Michigan
NorCal Resist
Northern New Jersey Sanctuary Coalition
Northwest Immigrant Rights Project
Oxfam America
Public Counsel
Public Defender Coalition for Immigrant Justice
Robert F. Kennedy Human Rights
Rural Organizing Project
Sanctuary and Resistance to Injustice
Sisters of Saint Joseph of Chestnut Hill. Philadelphia, PA
Society of the flora, fauna & friend
Southern Poverty Law Center
Tahirih Justice Center
The Advocates for Human Rights
The Black Alliance for Just Immigration (BAJI)
The Bronx Defenders
The Children's Partnership (TCP)
The Young Center for Immigrant Children's Rights
Tsuru For Solidarity
Tulane Immigrant Rights Clinic
UndocuBlack Network
Unitarian Universalists for Social Justice

United We Dream

#WelcomeWithDignity

Wind of the Spirit Immigrant Resource Center