

President Joe Biden  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500

Hon. Alejandro Mayorkas  
Secretary  
US Department of Homeland Security  
301 7th Street, SW  
Washington, DC 20528

October 8, 2021

Dear President Biden and Secretary Mayorkas,

The 220 undersigned organizations write to express our deepest disappointment regarding the planned reopening of Moshannon Valley Correctional Center, a former Bureau of Prisons (BOP) jail, as an Immigration and Customs Enforcement (ICE) detention center and the conversion and expansion of the Berks County ICE detention center to an adult facility for women. We call on you to:

- Immediately terminate the contracts signed last week with Clearfield County for the Moshannon Valley facility and Berks County for the Berks facility;
- Halt all other efforts to expand the ICE detention system through any new or extended ICE contracts;
- Apply the Executive Order on privately operated prisons to end immigration detention contracts with private prison companies and local governments; and
- Take significant steps to dismantle the system of mass immigrant incarceration and the use of detention for asylum processing.

President Biden promised to end for-profit detention, including for undocumented immigrants, and to bring justice and fairness to the immigration system.<sup>1</sup> Instead, your administration is increasing the use of immigration detention and filling the private prison beds that criminal justice advocates have worked for years to empty with immigrants and asylum-seekers. We expect and demand more.

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<sup>1</sup>Joe Biden, *The Biden Plan for Securing Our Values as a Nation of Immigrants*, <https://joebiden.com/immigration/> and Andrew Solander, *'I'm Working On It, Man': Biden Repeatedly Disrupted By Protesters At Georgia Rally*, *Forbes*, (April 29, 2021) <https://www.forbes.com/sites/andrewsolander/2021/04/29/im-working-on-it-man-biden-repeatedly-disrupted-by-protesters-at-georgia-rally/?sh=1661fc2e5e3e>.

## **Opening Moshannon and Berks flies in the face of community efforts in Pennsylvania**

ICE's decision to open Moshannon Valley and convert Berks in Pennsylvania contradicts and undermines this administration's commitments to reform and the efforts of community members in Pennsylvania. ICE appears to be trying to make up for other facility closures in the Northeast United States by making Pennsylvania an immigration prison hub. As more states and county governments take measures towards phasing out ICE detention, the administration should take the opportunity to release people and limit enforcement operations in response to public outcry, not allow ICE to expand to new regions. It is hard if not impossible for the civil rights community to take seriously this administration's intentions for detention reform, when its actions so blatantly contradict them.

The reopening of Moshannon Valley and conversion of Berks comes on the heels of the closure of the York County Prison and ending the detention of families in Berks County--outcomes that community members and advocates have been working toward for years. We are appalled that ICE is moving to convert Berks to a facility for women rather than terminating the contract, despite the documented history of abuses against women detained there when it was a family detention center.<sup>2</sup>

We are further alarmed at the decision to open Moshannon Valley as an ICE facility given reports of neglect and abuse when it was open as a BOP jail. When Moshannon Valley announced its closure at the peak of the COVID-19 pandemic, conditions deteriorated: lack of access to calls, no visitations from family members or attorneys, two slices of bread with peanut butter per day and a sandwich for dinner, forcing up to 70 people in one pod, no commissary or hygiene products for months, ongoing threats of abuse, and solitary confinement for anyone who spoke out. Queer and trans immigrants formerly detained at Moshannon Valley expressed that they faced constant attacks by guards due to their gender identities. One person formerly detained at Moshannon and currently in ICE detention shared the following:

"From February to March the conditions became deplorable... My experience in Moshannon correctional center is one I wish never to repeat again. Its austerity and indignation has affected me deeply and these wounds will take time and therapy to heal, but for now I must lick my wounds the best I can and carry on for I write this statement from an ICE facility and my fight for freedom is not yet won. It saddens me to hear that ICE wants to turn the recent shutdown prison into an ICE center."

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<sup>2</sup> Adrianna Torres-García, *It's time to close immigrant detention centers for good, not expand them*, Philadelphia Inquirer (September 27 2021), <https://www.inquirer.com/news/close-immigrant-detention-centers-berks-county-20210927.html>.

## **Expansion contradicts promises and further harms immigrant communities**

Early this year, many of our organizations made clear our expectations that your administration would begin to turn back the injustices of the immigration system, including beginning to phase out the use of immigration detention by releasing people, shutting down detention centers and ending detention contracts.<sup>3</sup> In May, Secretary Mayorkas announced the intention to end ICE contracts with Irwin County Detention Center in Georgia and the Bristol County Jail in Massachusetts. This was welcome news. However, the number of people in ICE detention has sky-rocketed since January, nearly doubling in July, primarily due to the administration's decision to prioritize recent arrivals seeking safety at our borders as enforcement priorities.

The Biden Administration has also actively litigated against the closure of private prisons, as exemplified by this week's 9th Circuit decision holding that a California law that phases out private detention facilities in the state, including immigration detention facilities, conflicts with federal law and cannot stand.

These decisions along with the planned opening of Moshannon, the conversion and expansion of Berks to an adult facility, and the proposed expansion of the El Paso Service Processing Center undermines any progress made with Irwin and Bristol and directly goes against President Biden's promises and Secretary Mayorkas' stated intentions to reduce reliance on immigration detention.

## **Expansion contradicts the President's commitments regarding privately operated prisons**

These contracts also present a clear moral and policy dilemma for the Biden administration given the White House's efforts to phase out privately operated prisons. Civil rights groups welcomed President Biden's executive order in January 2021 directing the Department of Justice (DOJ) to phase out its contracts with privately operated prisons--and specifically instructing DOJ not to renew contracts with privately operated criminal detention facilities.<sup>4</sup> But the Executive Order did not apply to ICE detention facilities, an omission which 75 members of

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<sup>3</sup> Detention Watch Network, First Ten to Communities Not Cages Organizational Sign on letter and Faith Leader Sign On Letter (April 2, 2021),

[https://drive.google.com/file/d/1ZdFMtgTLPwWYkaFGefwS\\_p7sOTfz-xsF/view](https://drive.google.com/file/d/1ZdFMtgTLPwWYkaFGefwS_p7sOTfz-xsF/view); and Leadership Conference on Civil and Human Rights, Coalition Letter on Immigration Detention Reform (June 30, 2021), <https://civilrights.org/resource/coalition-letter-on-immigration-detention-reform/>.

<sup>4</sup> Exec. Order on Reforming Our Incarceration System to Eliminate the Use of Privately Operated Criminal Detention Facilities (Jan. 26, 2021),

<https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/26/executive-order-reforming-our-incarceration-system-to-eliminate-the-use-of-privately-operated-criminal-detention-facilities/>.

Congress warned about at the time<sup>5</sup> and that is all the more glaring now that ICE is moving to directly contradict the spirit and intention of the executive order. Since then, ICE has extended contracts with private prisons in states that passed legislation aimed at closing out those facilities.<sup>6</sup> Now, the Biden administration is poised to fill the very private prison beds emptied out by its own Executive Order with immigrants and asylum seekers.

The Moshannon Valley facility is a case in point. In January 2021, the GEO Group (GEO) announced that the BOP had declined to renew its contract for the Moshannon Valley Correctional Facility in Pennsylvania, which was expected to generate \$42 million in annualized revenue. GEO then informed its investors that it expected to market the facility “to other federal and state agencies.”<sup>7</sup> In September 2021, GEO announced that it would reopen the facility as an ICE detention facility.<sup>8</sup> As the end dates for several U.S. Marshals Service (USMS) contracts draw near, GEO and CoreCivic are pushing similar efforts in other locations, including in Leavenworth, Kansas, Clay County, Indiana and Willacy County, Texas. The administration must reject these efforts.

Unfortunately, despite the intentions of criminal justice advocates inside and outside the administration, ICE’s irreparably flawed mass incarceration system remains fully intertwined with private prison companies. Under the Trump Administration and as of January 2020, 81 percent of people detained in ICE custody each day were held in facilities owned or operated by private prison corporations. This number remains virtually unchanged under the Biden Administration. As of September 2021, 79 percent of people detained each day in ICE custody are detained in private detention facilities.<sup>9</sup>

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<sup>5</sup> Letter from Reps. Crow, Jayapal, Ruiz et al. to Acting DHS Secretary David Pekoske (Jan. 28, 2021), <https://tinyurl.com/89pt3sj>.

<sup>6</sup> See, *GEO Group Sues to Keep Tacoma Immigration Detention Center Open*, Associated Press (May 18, 2021), <https://www.knxx.org/news/2021-05-18/geo-group-sues-to-keep-tacoma-immigrant-detention-center-open>. See also, Rodrigo Torrejon, *NJ Jail Renews Deal with ICE while Bill Banning New Contracts Sits on Murphy’s Desk*, NJ Advance Media (Aug. 14, 2021), <https://www.nj.com/essex/2021/08/nj-jail-renews-deal-with-ice-while-bill-banning-new-contracts-sits-on-murphys-desk.html>.

<sup>7</sup> The GEO Group, Inc., Annual Report (Form 10-K) (February 2021), <https://seekingalpha.com/filings/pdf/14711618>.

<sup>8</sup> Jessica Shirey, *Moshannon Valley Correctional Facility to Reopen as ICE Center*, Gant News, (Sept. 29, 2021), <https://gantnews.com/2021/09/29/moshannon-valley-correctional-facility-to-reopen-as-ice-center/>.

<sup>9</sup> Eunice Cho, *Biden Is Holding as Many Immigrants in Private Prisons as Trump*, Newsweek (Oct. 3, 2021), <https://www.newsweek.com/biden-holding-many-immigrants-private-prisons-trump-opinion-1634834>.

Private prison companies continue to profit off of human misery. In the past several years, contracts for ICE detention made up approximately 25 percent of total revenue for both CoreCivic and GEO. These corporations earned approximately the same amount of revenue from ICE detention contracts as they earned from Department of Justice (BOP and USMS) contracts combined.<sup>10</sup>

### **Detention is not necessary to reversing inhumane, racist border policies**

We are unequivocal—we must welcome people seeking safety and protection at our borders without the use of immigration detention. Immigration detention is inherently harmful, abusive and unjust.<sup>11</sup> It is also a costly, punitive approach that has proven unnecessary to ensuring immigrants are able to navigate the immigration system. Studies show that most people are best able to see through their proceedings when in community and with access to proper support and legal representation.<sup>12</sup>

Yet like its predecessors, the Biden administration has made detention central to its response to migration, including to people seeking asylum at our borders. This is a choice. There is no reason to detain people seeking asylum and further traumatize these individuals, many of whom have already experienced torture and persecution.<sup>13</sup> Asylum seekers and others seeking safety at our borders have become the target of racist rhetoric and abuse in recent years, including most recently the abuse and deportation of Haitian migrants.<sup>14</sup> The Biden administration must not advance these false narratives to legitimize further investment in the unjust and abusive immigration detention system.

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<sup>10</sup> 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>

<sup>11</sup> Setareh Ghandehari, Luis Suarez, Gabriela Viera, *First Ten to Communities Not Cages*, Detention Watch Network (February 2021)

<https://www.detentionwatchnetwork.org/sites/default/files/reports/DWN%20First%20Ten%20to%20Communities%20Not%20Cages.pdf> and Taylor Koehler, Esq., *Arbitrary & Cruel: How U.S. Immigration Detention Violates the Convention against Torture and Other International Obligations*, Center for Victims of Torture (June 2021)

[https://www.cvt.org/sites/default/files/attachments/u93/downloads/arbitrary\\_and\\_cruel\\_d5\\_final.pdf](https://www.cvt.org/sites/default/files/attachments/u93/downloads/arbitrary_and_cruel_d5_final.pdf)

<sup>12</sup> See, Most Released Families Attend Immigration Court Hearings, TRAC Immigration Project (June 18, 2021), <https://trac.syr.edu/immigration/reports/562/>.

<sup>13</sup> Setareh Ghandehari, Detention Watch Network, *Restoring Access to Asylum without the Use of Detention* (July 2021),

<https://www.detentionwatchnetwork.org/sites/default/files/Restoring%20Border%20Access%20Without%20Detention.pdf>.

<sup>14</sup> Human Rights Watch, *US: Treatment of Haitian Migrants Discriminatory: Chased by Border Agents on Horseback; Returned to Danger in Haiti* (Sept. 21, 2021),

<https://www.hrw.org/news/2021/09/21/us-treatment-haitian-migrants-discriminatory>.

It is not too late to reverse course. We urge you to cancel ICE's contracts for Moshannon Valley and Berks, halt all expansion efforts underway and place a moratorium on any new or extended ICE detention contracts. Furthermore, we request you meet with immigration advocates to discuss ways to meaningfully incorporate immigration detention into implementation of the executive order on privately operated prisons. Thank you for your time and consideration.

Sincerely,

Detention Watch Network

Shut Down Berks Coalition

JUNTOS

National Immigrant Justice Center

American Civil Liberties Union (ACLU)

Aldea - the People's Justice Center

Pennsylvania Immigration Resource Center (PIRC)

Nationalities Service Center (NSC)

CASA

Amnesty International USA

American Immigration Lawyers Association

American Immigration Council

Human Rights First

Indivisible

Immigrant Legal Resource Center

National Immigration Law Center

National Immigration Project (NIPNLG)

RAICES

The Leadership Conference on Civil and Human Rights

United We Dream

UndocuBlack Network

Women's Refugee Commission

Southern Poverty Law Center

Friends Committee on National Legislation

Young Center for Immigrant Children's Rights

Haitian Bridge Alliance

Advocate Visitors with Immigrants in Detention (AVID) in the Chihuahuan Desert

Al Otro Lado

Alianza Americas

Alianza Nacional de Campesinas

Alianza Sacramento  
American Friends Service Committee  
Amistad Law Project  
Arizona Alliance for Action Immigration Committee  
Asian Americans Advancing Justice-Atlanta  
Asian Americans United  
Asian Counseling and Referral Service  
Asian Law Caucus  
ASISTA Immigration Assistance  
Asylum Seeker Advocacy Project (ASAP)  
Autistic Self Advocacy Network  
Avodah  
Bend the Arc: Jewish Action  
Bend the Arc: Jewish Action California  
Bend the Arc: Jewish Action Pittsburgh  
Benedictine Sisters of Baltimore  
Bill of Rights Defense Committee-Keystone State  
BORDER ANGELS  
Bridges Faith Initiative  
BTA Southeastern PA  
California Collaborative for Immigrant Justice (CCIJ)  
California Immigrant Policy Center  
Casa San Jose  
Catholic Charities Dallas  
Ceiba  
Center for Community Action and Environmental Justice  
Center for Constitutional Rights  
Center for Gender & Refugee Studies  
Center for Popular Democracy  
Center for Victims of Torture  
Central American Resource Center - CARECEN- of California  
Centro De Trabajadores Unidos: United Workers Center  
Centro Legal de la Raza  
Chinese-American Planning Council (CPC)  
Church World Service  
Cleveland Jobs with Justice  
Coalition for Humane Immigrant Rights (CHIRLA)  
Coastal Roots Farm

Colorado Immigrant Rights Coalition  
Colorado Jobs with Justice (CO JJJ)  
Colorado People's Alliance (COPA)  
Columbia Law School Immigrants' Rights Clinic  
Comunidad Maya Pixan Ixim  
Comunidades Unidas en una Voz  
Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces  
Connecticut Shoreline Indivisible  
Contra Costa Immigrant Rights Alliance  
Cultural and Secular Jewish Organization  
Disciples Immigration Legal Counsel  
Disciples Refugee & Immigration Ministries  
Doctors for Camp Closure  
Dominican Sisters of Hope  
Earthjustice  
Emmaus Community  
End Streamline Coalition  
Every Mother is a Working Mother Network/Philadelphia  
Faith in Public Life  
Faithful Friends  
Familia: TQLM  
Families for Freedom  
Family Equality  
Family Voices NJ  
Farmworker Association of Florida  
Fight for the Future  
Florence Immigrant & Refugee Rights Project  
Franciscan Action Network  
Free Migration Project  
Freedom for Immigrants  
Global Women's Strike/Philadelphia  
Government Accountability Project  
Grassroots Leadership  
H-CAN Immigration and Refugee group  
Hope Border Institute  
Houston Immigration Legal Services Collaborative  
Hts. Friends of Immigrants  
Illinois Coalition for Immigrant and Refugee Rights



Immigrant Action Alliance  
Immigrant Defenders Law Center  
Immigrant Law Center of Minnesota  
In Plain Sight  
Indivisible CLE  
Indivisible Howard County Maryland  
Inland Coalition for Immigrant Justice  
Innovation Law Lab  
Inter-Faith Committee on Latin America (IFCLA)  
Interfaith Coalition on Immigration  
Interfaith Community for Detained Immigrants  
Interfaith Movement for Human Integrity  
International Detention Coalition (IDC)  
InterReligious Task Force on Central America  
ISLA: Immigration Services and Legal Advocacy  
Jewish Activists for Immigration Justice of Western MA  
Joachim Law Office  
Justice for Our Neighbors El Paso  
Justice Strategies  
Kern Welcoming and Extending Solidarity to Immigrants  
La Raza Community Resource Center  
La Resistencia  
Lambda Legal  
Latin America Working Group (LAWG)  
Legal Aid Justice Center  
Long Beach Immigrant Rights Coalition  
Louisiana Advocates for Immigrants in Detention  
Make the Road PA  
Mariposa Legal  
Maryknoll Office for Global Concerns  
Maryland Against ICE Detention  
Michigan United  
Mijente  
Minnesota Immigrant Rights Action Committee (MIRAC)  
Mississippi Center for Justice  
Movement for Justice in El Barrio  
Mujeres Unidas y Activas  
Muslim Voices Coalition

National Advocacy Center of the Sisters of the Good Shepherd  
National Domestic Workers Alliance - PA Chapter  
National Employment Law Project  
National Network for Immigrant & Refugee Rights  
Nature Rhythms  
Network in Solidarity with the People of Guatemala  
NETWORK Lobby for Catholic Social Justice  
New Jersey Forum for Human Rights  
New Sanctuary Movement of Philadelphia  
New York Immigration Coalition  
No Detention Centers in Michigan  
NorCal Resist  
Northwest Immigrant Rights Project  
Oasis Legal Services  
Office of Peace, Justice, and Ecological Integrity, Sisters of Charity of Saint Elizabeth  
Ohio Center for Strategic Immigration Litigation & Outreach  
Ohio Immigrant Alliance  
Orange County Equality Coalition  
Parishioners for Peace & Justice  
Pax Christi New Jersey  
Pax Christi New York State  
Payday men's network/Philadelphia  
Philadelphia Neighborhood Networks  
PhillySUN  
PICC  
Piney Defense Alliance  
Poder Latinx  
Progressive Leadership Alliance Of Nevada  
Project Blueprint  
Put People First! PA  
Quixote Center  
Rapid Defense Network (RDN)  
Reclaim Philadelphia  
RISE Coalition of Western MD  
Robert F. Kennedy Human Rights  
Rocky Mountain Immigrant Advocacy Network (RMIAN)  
San Diego Immigrant Rights Consortium  
Sanctuary and Resistance to Injustice

Sanctuary DMV  
Secure Justice  
Servants of Mary, US/Jamaica Leadership Team  
Services, Immigrant Rights and Education Network (SIREN)  
Showing Up for Racial Justice (SURJ)  
SIREN (Services, Immigrant Rights and Education Network)  
Sisters of Mercy of the Americas Justice Team  
Sisters of Saint Joseph of Chestnut Hill, Philadelphia  
Sisters of Saint Joseph Welcome Center  
Sisters, Home Visitors of Mary  
Southeast Asia Resource Action Center (SEARAC)  
SPAN Parent Advocacy Network  
Student Clinic for Immigrant Justice  
Tahirih Justice Center  
Takoma Park Mobilization, Equal Justice  
The Advocates for Human Rights  
The Bronx Defenders  
The Immigration Detention Accountability Project of the Civil Rights Education and Enforcement Center  
The People's Priest  
The Reformed Church of Highland Park  
The Willows Project  
Transformations CDC  
Transgender Law Center  
Tsuru for Solidarity  
UCSF Health and Human Rights Initiative  
Unidad Latina en Accion CT  
Union for Reform Judaism  
Unitarian Universalist Service Committee  
Unitarian Universalist's for Social Justice  
UnLocal  
VECINA  
Vera Institute of Justice  
VietLead  
Voces de la Frontera  
Voces Unidas  
Washington Office on Latin America (WOLA)  
Wayne State Asylum & Immigration Law Clinic

Wind of the Spirit Immigrant Resource Center  
Witness at the Border  
Women of Color Global Women's Strike Philadelphia  
Woori Center  
YWCA Greater Pittsburgh