

The Honorable John Kelly
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

May 8, 2017

Dear Secretary Kelly:

The *Washington Post* has reported that the Department of Homeland Security (DHS) is actively seeking to expand the immigration detention system so it has the capacity to lock up over 60,000 immigrants.¹ This bid for more detention beds and facilities comes at the same time that Immigration and Customs Enforcement (ICE) reportedly seeks to slash the few protections in place to protect the safety and civil rights of individuals who are detained.² We urge you to abandon any plans to pursue this costly expansion. We further urge you to strengthen rather than lessen standards and monitoring of a system that already endangers the lives and due process rights of asylum seekers and immigrants.

The immigration detention system lacks accountability for its abuses. One hundred and sixty nine individuals have died in immigration custody since 2003 and a review of available death reviews shows that documented medical negligence is commonplace.³ The inspections system is rife with loopholes that allow contract renewals despite abuse and harmful conditions.⁴ DHS's own Advisory Council – on which you sat as a voting member – adopted a report in December sounding alarm bells regarding the “documented occurrences of deficiencies and abuse” occurring unchecked in the immigration detention system and calling for both increased oversight and a reduction, rather than increase, in reliance on county jails and privately-run facilities.⁵

Nonetheless, ICE is now taking the dramatic step of seeking expansion while doing away with minimal standards governing detention conditions.⁶ Even the current immigration detention

¹ See David Nakamura, “Trump Administration moving quickly to build up nationwide deportation force,” *Washington Post*, Apr. 12, 2017.

² See Caitlin Dickerson, “Trump Plan Would Curtail Protections for Detained Immigrations,” *New York Times*, Apr. 13, 2017.

³ See The American Civil Liberties Union, Detention Watch Network, National Immigrant Justice Center, *Fatal Neglect: How ICE Ignores Deaths in Detention* (Feb. 2016); Tory Johnson, American Immigration Council, *The Death Toll of Immigration Detention* (Nov. 1, 2016).

⁴ National Immigrant Justice Center, *ICE's Failed Monitoring of Immigration Detention Contracts* (Sept. 2016).

⁵ Homeland Security Advisory Council, *Report of the Committee on Privatized Immigration Detention Facilities* (Dec. 1, 2016). A majority of HSAC members voted to adopt the position of the dissent in the report, which agreed with the findings on oversight and a move away from county jails while also calling on DHS to move away from reliance on private prison contractors.

⁶ See Caitlin Dickerson, “Trump Plan Would Curtail Protections for Detained Immigrations,” *New York Times*, Apr. 13, 2017. Many of the protections eviscerated by ICE's new proposal were created in response to independent investigations documenting abuses and deaths in immigration detention. See Human Rights First, *Jails and Jumpsuits: Transforming the U.S. Immigration Detention System – a Two-Year Review* (2011). See also Dora Schriro, “Don't make immigration custody part of the criminal justice system,” *The Hill*, Apr. 27, 2017.

standards have not prevented violations of baseline protections that should exist in all detention facilities. Doing away with them entirely is nothing short of a declaration that detention center abuse will become more egregious and without necessary accountability. In doing so, ICE puts the lives and safety of immigrants in grave jeopardy.

Expanding the detention system will also further undermine immigrants' right to counsel at their own expense in their deportation proceedings.⁷ This right is already compromised by the remote nature of most immigration detention facilities; further expansion will render it effectively meaningless. Fewer than one in five immigrants in detention are able to find an attorney to represent them in immigration court.⁸ The agency's current bid for expansion is underway without any consideration of the availability of legal services.

Finally, expanding detention will cost U.S. taxpayers millions while ignoring the availability of longstanding and effective alternatives to detention. Immigration detention should never be arbitrary or punitive, yet decisions to detain or release are often made based simply on the availability of bed space.⁹ Given that border apprehensions remain historically low and the size of the undocumented population in the United States has stayed stable or decreased for nearly a decade,¹⁰ expanding detention will not only undermine the due process rights of thousands of additional individuals but is fiscally irresponsible. This is especially the case given the availability of a wide spectrum of alternatives to detention available to ICE that, when needed to mitigate a demonstrated flight risk, have a strong track record of success.

Now is not the time to roll back detention standards or seek an expansion to an already costly and inhumane immigration detention system. We urge you to:

1. Halt any expansion of immigration detention capacity and instead examine further ways to reduce current detention capacity in favor of wide-ranging, effective, and cost saving alternatives to detention.
2. Ensure accountability for the health, safety and due process rights of those ICE detains by at minimum implementing current Performance-Based National Detention Standards in *all* detention facilities and ensuring robust oversight of immigration detention.

Thank you for your time and consideration. Please bring any questions regarding this letter to Katharina Obser at the Women's Refugee Commission at katharinao@wrcommission.org or Heidi Altman at the National Immigrant Justice Center at haltman@heartlandalliance.org.

⁷ 8 U.S.C. § 1362.

⁸ See Ingrid Eagly and Steven Shafer, American Immigration Council, *Access to Counsel in Immigration Court* (Sept. 2016).

⁹ See, e.g., U.S. Commission on International Religious Freedom, *Barriers to Protection: The Treatment of Asylum Seekers in Expedited Removal* (Aug. 2016); Center for Constitutional Rights and Detention Watch Network, *Banking on Detention: 2016 Update* (June 2016).

¹⁰ See "US-Mexico Illegal Border Crossings Fall to 17-Year Low," *BBC News*, Apr. 5, 2017.

Sincerely,

Acting in Community Together Organizing Northern Nevada (ACTIONN)
Advocating Opportunity
Alianza Americas
America's Voice Education Fund
American Civil Liberties Union
American Friends Service Committee (AFSC)
American Immigration Council
American Immigration Lawyers Association
American-Arab Anti-Discrimination Committee
Americans for Immigrant Justice
Amnesty International USA
Arizona Coalition to End Sexual and Domestic Violence
Arkansas Justice Collective
Arkansas United Community Coalition
Artemis Justice Center
Asian American Legal Defense and Education Fund (AALDEF)
Asian Americans Advancing Justice - Asian Law Caucus
Asian Americans Advancing Justice - Atlanta
Asian Americans Advancing Justice-LA
Asian Americans United
Asian Law Alliance
Asian Pacific Policy & Planning Council
ASISTA
Asylee Women Enterprise
Asylum Seeker Advocacy Project (ASAP) at the Urban Justice Center
Atlas:DIY
Austin Jewish Voice for Peace
Bend the Arc Jewish Action
Berry United Methodist Church
Bethany Immigration Services
Bread for the World
Brockport Ecumenical Outreach Committee
BronxWorks
Cabrini Immigrant Services of NYC, Inc.
California Immigrant Youth Justice Alliance (CIYJA)
California Partnership to End Domestic Violence
Capital Area Immigrants' Rights Coalition

CARECEN-LA
CASA
Casa de Esperanza: National Latin@ Network for Healthy Families and Communities
Casa Esperanza
Catholic Charities Solano
Catholic Legal Immigration Network, Inc.
Causa Oregon
Center for Employment Training
Center for Gender and Refugee Studies
Center for the Human Rights of Children, Loyola University Chicago
Central American Legal Assistance
Central American Resource Center (DC)
Centro Del Immigrante, Inc.
Centro Latino Americano
Chicago Religious Leadership Network on Latin America - CRLN
Church of Our Saviour/La Iglesia de Nuestro Salvador
Church Womn United in New York State
Church World Service
Cleveland Jobs with Justice
Coalicion de Derechos Humanos
Coalition on Human Needs
CODEPINK
Colectiva Legal del Pueblo
Colegio de la Tierra
Coloradans For Immigrant Rights, AFSC Colorado
Colorado Immigrant Rights Coalition
Columban Center for Advocacy and Outreach
Community Initiatives for Visiting Immigrants in Confinement (CIVIC)
Community of Friends in Action, Inc.
Cornell Asylum and CAT Appeals Clinic
Council on American-Islamic Relations (CAIR)
Council on American-Islamic Relations of Washington State (CAIR-WA)
Crossing Borders – Dubuque
DC-Maryland Justice for Our Neighbors
Detention Watch Network
Dolores Street Community Services
Dominican Sisters ~ Grand Rapids
Dominicans of Sinsinawa
East Bay Community Law Center
El Centro del Inmigrante

Employee Rights Center
Encuentro
End Domestic Abuse WI
Equal Rights Advocates
Equality California
Equality New Mexico
Equality Texas
Faith in Public Life
Faith Voices Arkansas
Families First Services Center, Inc.
Farmworker Justice
FIEL Houston
First Congregational United Church of Christ - Portland, Oregon
First Friends of NJ and NY
First Graduate
First Unitarian Universalist Church of San Diego Social Justice Ministry Team
Food Empowerment Project
Franciscans for Justice
Freedom Network USA
Friends Committee on National Legislation
Friends of Broward Detainees
Fuerza Latina, Fort Collins, CO
Global Family Legal Services
Global Unity Project
Grace Latino Outreach (GLO) Millbrook, NY
Grassroots Leadership
Greater New York Labor Religion Coalition
Greater Rochester Coalition for Immigration Justice
Greenville Multicultural Church
Grupo de Apoyo e Integracion Hispanoamericano
Hana Center
Her Justice
HIAS
HIAS Pennsylvania
Hilton Head for Peace
Holy Spirit Missionary Sisters, USA-JPIC
Human Agenda
Human Rights First
Human Rights Initiative of North Texas
Illinois Coalition Against Domestic Violence

Illinois Coalition for Immigrant and Refugee Rights
Immanuel Fellowship
Immigrant Connection
Immigrant Legal Advocacy Project
Immigrant Legal Resource Center
Immigration Justice Action Group, First Unitarian, Portland, OR
Immigration Resource Center of San Gabriel Valley
Inland Coalition for Immigrant Justice
Interfaith Committee for Detained Immigrants
Interfaith Movement for Immigrant Justice - Oregon
Interfaith Worker Justice
Just Neighbors
Justice for All
Justice for Our Neighbors Southeastern Michigan
Justice Strategies
Kentucky Coalition for Immigrant and Refugee Rights
Kids for College
Kino Border Initiative
KIPP Bay Area Schools
Korean Resource Center
Lafayette Urban Ministry
LALDEF
Las Americas Immigrant Advocacy Center
Latin America Working Group
Latin America Working Group (LAWG)
League of United Latin American Citizens
Legal Aid at Work
Legal Aid Society of San Mateo County
Legal Services for Children
Los Angeles Center for Law and Justice
Lutheran Immigration and Refugee Service
Maryland Immigrant Rights Coalition
Massachusetts Immigrant and Refugee Advocacy Coalition
Massachusetts Law Reform Institute
MetroWest Legal Services
Mexicanos en Exilio
Migrant and Immigrant Community Action Project
Migrant Rights Collective
Migration Resource Center
Mission Graduates

Mixteco/Indigena Community Organizing Project
Mosaic Family Services
Mujeres Latinas en Accion
Mujeres Unidas y Activas
Muslim Public Affairs Council
NAPAFASA
National Asian Pacific American Women's Forum
National Center for Transgender Equality
National Council of Asian Pacific Americans (NCAPA)
National Council of Jewish Women
National Immigrant Justice Center
National Immigration Law Center
National Immigration Project of the NLG
National Justice for Our Neighbors
National Korean American Service & Education Consortium (NAKASEC)
National Latina Institute for Reproductive Health
National Latina/o Psychological Association
National Network for Immigrant and Refugee Rights
Natural Resources Defense Council
Nebraska Appleseed Center for Law in the Public Interest
NETWORK Lobby for Catholic Social Justice
Nevada Paralegal Center, LLC
New Jersey Alliance for Immigrant Justice
New Mexico Faith Coalition for Immigrant Justice
New Mexico Immigrant Law Center
New Sanctuary Movement of Philadelphia
New York Justice For Our Neighbors
Nicaragua Center for community Action
North County Immigration Task Force
North Texas Dream Team
Northern Illinois Justice for Our Neighbors
Northern Manhattan Manhattan Coalition for Immigrant Rights
Northwest Immigrant Rights Project
OCCORD
Occupy Bergen County
Ohio Council of Churches
OneAmerica
Our Revolution
Pangea Legal Services
Pax Christi Florida

Pennsylvania Immigration and Citizenship Coalition
Pennsylvania Immigration Resource Center
Pilgrim United Church of Christ
Pittsburgh LCLAA
Progressive Leadership Alliance of Nevada
Project IRENE
Project South
Provincial Council Clerics of St. Viator (Viatorians)
Public Counsel
Puentes: Advocacy, Counseling & Education
Queer Detainee Empowerment Project
Redemption Song Inc.
Reformed Church of Highland Park
Refugee and Immigrant Center for Education and Legal Services (RAICES)
Refugio del Rio Grande
Resurrection Social Justice Committee Member
Rosche Immigration Law PLLC
Rural and Migrant Ministry
Safe Passage Project
Salvadoran American National Network (SANN)
San Diego Volunteer Lawyer Program, Inc.
San Luis Valley Immigrant Resource Center
Sanctuary for Families
Santa Fe Dreamers Project
Service Employees International Union (SEIU)
Services, Immigrant Rights, and Education Network (SIREN)
Sisters and Brothers of Immigrants, Inc.
Sisters of Charity of New York
Sisters of Mercy South Central Community
Sisters of Saint Francis Justice, Peace and Integrity of Creation Commission
Sisters of St. Francis - St. Francis Province
Sisters of St. Francis Leadership Team
Sisters of the Holy Names
Sisters of the Presentation of the Blessed Virgin Mary
Skagit Immigrant Rights Council
Sojourners
South Asian Fund For Education, Scholarship and Training (SAFEST)
South City Church
Southeast Asia Resource Action Center (SEARAC)
Southeast Immigrant Rights Network

Southern Border Communities Coalition
St John of God Church
St. James Cathedral Immigrant Assistance
St. Louis Inter-Faith Committee on Latin America (IFCLA)
T'ruah: The Rabbinic Call for Human Rights
Tacoma Community House
Tahirih Justice Center
The Farmworker Association of Florida, Inc
The Florence Immigrant and Refugee Rights Project
The Garden, A Lutheran Ministry
Tulsa Immigrant Resource Network
U.S. Committee for Refugees and Immigrants
UFW Foundation
Unitarian Universalist Service Committee
United Church of Christ, Justice and Witness Ministries
United Church of Christ, Justice and Witness Ministry
United Farm Workers
University of Tulsa Immigrant Rights Project
UnLocal, Inc.
UNO Immigration Ministry
Urban Justice Center- Domestic Violence Project
USC International Human Rights Clinic
VIDA Legal Assistance Inc
Volunteers of Legal Service
Washington Office on Latin America
Wayne Action for Racial Equality
WeCount!
WESPAC Foundation
West Suburban Action Project
Women Watch Afrika, Inc
Women's Refugee Commission
Worker Justice Center of New York
Young Center for Immigrant Children's Rights
YWCA Greater Austin