

December 16, 2016

The Honorable Jeh Johnson
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Re: Final requests to protect the safety and health of immigration detainees

Dear Secretary Johnson:

On behalf of the 153 undersigned organizations, we write to urge you to implement the following immigration detention recommendations before the end of this administration. The recommendations below can be implemented before late January and are essential to ensure the safety and protection of immigrants in detention including children, families, and asylum seekers. In fall 2016 two independent expert advisory committees, commissioned directly by DHS and by Immigration and Customs Enforcement (ICE), found fundamental failures in the immigration detention system and recommended dramatic changes to the system including: discontinuing family detention; terminating the use of county jails for immigration detention except as brief staging sites; and undertaking a deliberate shift away from reliance on private prisons.

The policy recommendations issued by the Homeland Security Advisory Council (“HSAC”) and the ICE Advisory Committee on Family Residential Centers (“ACFRC”) make clear that continuing the detention status quo is not acceptable. Despite these recommendations, ICE recently entered into a contract with Corrections Corporation of America to expand detention at the Northeast Ohio Correctional Center. This expansion, negotiated while HSAC reviewed DHS’ use of private facilities, is unacceptable. We repeat our calls to take immediate action to implement the recommendations presented by the DHS and ICE advisory councils, and to ameliorate the most egregious failings of your agency’s detention system. Specifically we urge you to immediately:

1. End the detention of families, consistent with the top recommendation presented by the ACFRC.
2. Shut down those privately-run detention facilities with the worst detention conditions including: Eloy Detention Facility, Arizona; Otay Mesa Detention Facility, California; South Texas Detention Complex; and Cibola County Correctional Center, New Mexico.
3. Terminate or do not renew contracts with any and all county jails that are not compliant with the 2011 ICE Performance Based National Detention Standards. Nearly all county jails have refused to implement the 2011 detention standards, and the vast majority are bound by only the 2000 detention standards, which offer much less protection to detainees.

4. Place a moratorium on any expansion of immigration detention – do not enter into new detention contracts; do not activate additional beds in facilities operated by private prison companies or local jails; and freeze or decrease existing bed capacity across facilities.
5. Expand on the existing national community-based supervision program, currently in use for a small number of families, that provides a humane and cost-effective alternative to detention.

These detention policy recommendations correspond with the recommendations made by the advisory committees tasked with evaluating family detention and privatized detention.

Advisory Committee on Family Residential Centers (“ACFRC”)

In October 2016 the ACFRC *unanimously* recommended that ICE “operationalize the presumption that detention is generally neither appropriate nor necessary for families – and that detention or the separation of families for purposes of immigration enforcement or management are never in the best interest of children.”¹ The President of the American Academy of Pediatrics, which was represented on the Committee, stated publicly his concern “that the detainment of children and families in these facilities places them at risk of development and mental health problems, which can have long-term implications for a child’s health. These are scared, vulnerable children, and they deserve our compassion and our help.”²

Yet within days of the ACFRC vote ICE renewed a 2,400-bed contract to continue detaining Central American families in Dilley, Texas through fall 2021.³ The Dilley contract will continue to be operated by a large for-profit prison corporation.

Family detention is unnecessary given the extensive alternatives to detention options. Like previous case management pilot programs, the Family Case Management Program (FCMP) implemented by ICE nearly a year ago has successfully demonstrated that true alternatives to detention can be effective in supporting an individual while accomplishing the government’s interests, without resorting to punitive ankle monitors or physical detention. While such programs should be administered directly by non-profit community service providers with proven track records of supporting immigrants rather than a private-prison operator, now is the time to allocate ICE funding toward growing programs like the FCMP whose effectiveness has long been proven in pilots conducted by community based organizations.

¹ *Report of the Advisory Committee on Family Residential Centers* (Oct. 7, 2016), at p. 2, available at <http://www.humanrightsfirst.org/sites/default/files/dhs-advisory-committee-on-family-residential-centers.pdf>.

² Women’s Refugee Commission, *Advisory Committee on Family Residential Centers Passes Recommendations to End Family Detention* (Oct. 14, 2016), available at <https://www.womensrefugeecommission.org/news/press-releases-and-statements/2476-wrc-acfrc-passes-recs>.

³ Jamie McGee, “CCA Announces ICE Contract Extension,” *The Tennessean*, Oct. 18, 2016.

Homeland Security Advisory Council (“HSAC”)

In August 2016 you commissioned a HSAC Subcommittee to evaluate whether DHS should end the use of private prisons. On December 1 you attended the HSAC meeting where three quarters of HSAC members voted in support of a recommendation that DHS implement a “measured but deliberate shift away from the private prison model” because of grave concerns regarding governance and conditions failures.⁴ In addition, nearly all HSAC members voted in support of the recommendation that DHS limit the use of county jails to short-term detention of less than 72 hours, and make robust and extensive reforms to its inspections and monitoring system.⁵

We urge you to carry out the recommendations issued by the full HSAC – namely, to shift away from the private prison model and to limit the use of county jails. Our proposed recommendations listed above provide a clear roadmap, and we urge you to act swiftly to implement these necessary detention reforms.

Thank you for your consideration. For more information, please contact Heidi Altman from the National Immigrant Justice Center (haltman@heartlandalliance.org), Katharina Obser from the Women’s Refugee Commission (katharinao@wrcommission.org), or Joanne Lin from the American Civil Liberties Union (jlin@aclu.org).

Sincerely,

National Organizations

Alianza Americas

Alliance for Citizenship

America's Voice Education Fund

American Civil Liberties Union (ACLU)

American Friends Service Committee

American Immigration Council

American Immigration Lawyers Association

American-Arab Anti-Discrimination Committee

Americans for Immigrant Justice

Amnesty International USA

Asian American Legal Defense and Education Fund (AALDEF)

Asian Americans Advancing Justice-LA

Asian Pacific Institute on Gender-Based Violence

⁴ See *id.*, also Alan Neuhauser, U.S. News and World Report, *Homeland Security Panel Rejects Reliance on Private Prisons to House Immigrants*, Dec. 1, 2016, <http://www.usnews.com/news/national-news/articles/2016-12-01/homeland-security-splits-with-justice-department-on-private-prisons>.

⁵ Homeland Security Advisory Council, *Report of the Subcommittee on Privatized Immigration Detention Facilities* (Dec. 1, 2016), available at <https://www.dhs.gov/sites/default/files/publications/DHS%20HSAC%20PIDF%20Final%20Report.pdf>.

Casa de Esperanza, National Latin@ Network
Center for Gender & Refugee Studies
Church World Service
Detention Watch Network
Disciples Women
El Centro del Inmigrante
Enlace
Farmworker Justice
Friends Committee on National Legislation
Grassroots Leadership
HIAS
Holy Spirit Missionary Sisters - USA, JPIC
Human Rights Defense Center
Human Rights First
Immigrant Defense Project
Immigrant Justice Corps
Immigrant Legal Resource Center
In the Public Interest
Just Detention International
Justice Strategies
Latin America Working Group
Leadership Conference of Women Religious
Loretto Community
Lutheran Immigration and Refugee Service
MALDEF
Mijente
National Advocacy Center of the Sisters of the Good Shepherd
National Council of Jewish Women
National Council of La Raza
National Day Laborer Organizing Network (NDLON)
National Immigrant Justice Center
National Immigrant Solidarity Network
National Immigration Law Center
National Justice for Our Neighbors
National Latina Institute for Reproductive Health
National Latina/o Psychological Association
National Network for Immigrant and Refugee Rights
NETWORK Lobby for Catholic Social Justice
NIRRC
Presente.org
Project on Government Oversight
Provincial Council Clerics of St. Viator (Viatorians)

Refugee and Immigrant Center for Education and Legal Services (RAICES)
Refugee and Immigration Ministries, Christian Church (Disciples of Christ)
Salvadoran American National Network (SANN)
Scalabrini International Migration Network
Sisters of Charity of New York
Sisters of Mercy South Central Community
South Asian Americans Leading Together (SAALT)
Southeast Asia Resource Action Center (SEARAC)
Southern Poverty Law Center
Tahirih Justice Center
The Leadership Conference on Civil and Human Rights
U.S. Committee for Refugees and Immigrants
Unitarian Universalist Service Committee
United We Dream
We Belong Together
Women's Refugee Commission

State/Local Organizations

ARISE
Arizona Coalition to End Sexual and Domestic Violence
Asian Law Alliance
Asian Pacific Policy & Planning Council
Association of Latino/as Motivating Action (ALMA)
Austin Jewish Voice for Peace
Capital Area Immigrants' Rights Coalition
CARECEN DC
Catholic Democrats of Nebraska
Chicago Benedictines for Peace
Church Women United in New York State
Cleveland Jobs with Justice
Community Legal Services in East Palo Alto
DC-Maryland Justice for Our Neighbors
Dolores Street Community Services
Encuentro
Enlace Comunitario
Equality New Mexico
Esperanza Immigrant Rights Project, CCLA
Faith Voices Arkansas
Farmworker Association of Florida, Inc.
Fellowship of Reconciliation, Louisville Chapter
Friends of Broward Detainees
Friends of Miami-Dade Detainees

Gospel Justice Committee, Sisters of the Most Precious
Greater Rochester Coalition for Immigration Justice
Grupo de Apoyo e Integración Hispanoamericano
Hilton Head for Peace
Human Rights Initiative of North Texas
Illinois Coalition for Immigrant and Refugee Rights
Immigrant Detainee Accompaniment Program
Immigrant Law Center of Minnesota
Immigrant Legal Advocacy Project
Immigration Justice Clinic of John Jay Legal Services, Inc.
Inter-faith Coalition of Immigration, MN
Inter-Faith Committee on Latin America (IFCLA)
Interfaith Committee for Detained Immigrants
Irish International Immigrant Center
Justice for All
Justice for Our Neighbors-Nebraska
Kentucky Coalition for Immigrant and Refugee Rights
Kids for College
Kino Border Initiative
KY Interfaith Taskforce on Latin America and the Caribbean
La Frontera Ministries
La Union del Pueblo Entero
Logan Square Neighborhood Association
Loretto Motherhouse
Los Angeles Center for Law and Justice
Massachusetts Immigrant and Refugee Advocacy Coalition
Massachusetts Law Reform Institute
Migrant Justice / Justicia Migrante
Movi Del Valle por los Derechos Humanos
Mujeres Latinas en Acción
Mujeres Unidas y Activas
NC Council of Churches
Nebraska Appleseed Center for Law in the Public Interest
Needham (MA) Area Immigration Justice Task Force
NM Faith Coalition for Immigrant Justice
Northern Illinois Justice for Our Neighbors
Northwest Immigrant Rights Project
Omaha Together One Community
OneAmerica
Pangea Legal Services
PASO - West Suburban Action Project
Pax Christi Florida

Pennsylvania Council of Churches
Pennsylvania Immigration and Citizenship Coalition
Personal
Project IRENE
Reformed Church of Highland Park
Schlegel Center for Service and Justice at Creighton University
Sisters and Brothers of Immigrants, Inc.
Sisters of the Most Precious Blood of O'Fallon, MO
Skagit Immigrant Rights Council
South Asian Fund for Education, Scholarship, and Training (SAFEST)
South Texas Human Rights Center
Taos Refugee and Immigration Network
The Florence Immigrant and Refugee Rights Project
Wayne Action for Racial Equality
Wisconsin Council of Churches
Workers Defense Project

CC: Megan Mack, Officer for Civil Rights and Civil Liberties, Department of Homeland Security