

Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
3801 Nebraska Ave. NW
Washington, D.C., 20016

Tae Johnson
Acting Director
U.S. Immigration and Customs Enforcement
500 12th St. SW
Washington, D.C., 20536

June 21, 2021

Dear Secretary Mayorkas and Acting Director Johnson,

The undersigned organizations write with concerns regarding U.S. Immigration and Customs Enforcement's (ICE) custody programs involving families arriving at the U.S. Southern border. In March, ICE signed a short-term no-bid contract¹ with Family Endeavors ("Endeavors") for 1,239 hotel beds and other related services.² The Biden-Harris administration has also expanded an existing contract and signed a new one, worth a total of \$136 million, with the controversial private security contractor MVM Inc.³ We have serious concerns regarding the manner in which these programs are being implemented and the lack of transparency surrounding the contracts.

We call on the Biden-Harris administration to move away from ICE's reliance on hotels and invest in the creation of NGO-run post-release Border Reception and Welcome Centers, where asylum seekers can receive voluntary respite and social support services, COVID-19 testing as needed along with an orientation to the asylum system and assistance with securing safe transportation to their final destination.⁴ We also request that you provide information clarifying the nature of ICE's contracts with MVM and Endeavors, and on any other programs involving ICE's use of hotels to detain and/or process families currently in place or under negotiation.⁵

¹ United States Immigration and Customs Enforcement, "Statement attributable to ICE Acting Director Tae D. Johnson," March 20, 2021, <https://www.ice.gov/news/releases/statement-attributable-ice-acting-director-tae-d-johnson>.

² The period of performance goes from March 16, 2021 through September 20, 2021, with a bed rate of \$352.64 per day. See U.S. Department of Homeland Security, Contract Award Number 70CDCR2100000001, Emergency Family Reception Sites, published April 7, 2021, https://beta.sam.gov/opp/344bbe2d8fdd48dd9a0d5c5cfe206cde/view?keywords=&sort=-modifiedDate&index=&is_active=true&page=1&date_filter_index=0&inactive_filter_values=false&organization_id=100012075.

³ Felipe De La Hoz, "Biden Showers Cash on ex-CIA Contractor MVM to Transfer Migrants," The Daily Beast, May 3, 2021, <https://www.thedailybeast.com/biden-showers-cash-on-ex-cia-contractor-mvm-inc-to-transfer-migrants?source=articles&via=rss>. The prior administration contracted with MVM as part of its shadow system that involved detaining migrant children and families in hotels before quickly deporting them, bypassing the normal process that is required to give children a chance to seek asylum in the U.S. See, i.e., Caitlin Dickerson, "A Private Security Company Is Detaining Migrant Children at Hotels," New York Times, October 21, 2020, <https://www.nytimes.com/2020/08/16/us/migrant-children-hotels-coronavirus.html>.

⁴ See, i.e., UNHCR, The UN Refugee Agency, "Border Shelter Toolkit: Best Practices in Sheltering Asylum-Seeking Families at the U.S. Southern Border," February 2021, <https://www.unhcr.org/en-us/601b7c804.pdf>.

⁵ The DHS Office of the Inspector General has announced an investigation into ICE's plans to house migrant families in hotels, and how ICE selected a contractor to implement these plans. See U.S. Department of Homeland Security, Office of the Inspector General (OIG), "ICE's Contract to House Migrants in Hotels," (May 2021), <https://www.oig.dhs.gov/node/6352>.

We understand and appreciate that the administration is working to receive a significant number of families arriving at the U.S.-Mexico border.⁶ We also understand that Endeavors is holding families apprehended at the border in different locations, supplying COVID-19 testing, support with medical care, food, and assistance with onward transportation.⁷ However, the operations on the ground have raised serious concerns regarding the treatment and lack of freedom of movement of those held in ICE custody under the Endeavors program. We are also alarmed to see numbers of active COVID-19 cases rising in hotels used by Endeavors.⁸

To date we have not heard any evidence as to why Endeavors was contracted when local NGO service providers who have for years provided services to support those seeking at the border are willing and able to scale up their services.⁹ Moreover, in some regions, Endeavors has released families to community-based shelters before completing their quarantine to avoid holding people in ICE custody longer than 72-hours, placing the burden on local NGOs while at the same time diverting resources away from local shelters with proven track records and community trust. Unlike community-based shelters, the Endeavors hotel program appears to operate as a custodial model, where people do not have the freedom to leave their rooms or facilities, and do not have full access to legal services. Rather than extend ICE custody, which both presents excessive costs and risks under this pandemic and beyond, we urge the government to release families to shelters where they will safely receive the services they need.

In addition to ongoing questions around ICE's contract with Family Endeavors, it is particularly alarming that this administration has paid out millions to renew contracts with the military contracting company MVM inc, and quietly entered into a new agreement for the transport of migrant children and families.¹⁰ Using a military contractor to transport migrants arriving at the border has inflicted irreversible harm and trauma on children.¹¹

⁶ The ICE-Endeavors contract justification indicates that Endeavors is overseeing what DHS calls "emergency family reception sites" in Texas and Arizona. See U.S. Department of Homeland Security, Contract Award Number 70CDCR2100000001, Emergency Family Reception Sites, published April 7, 2021, https://beta.sam.gov/opp/344bbe2d8fdd48dd9a0d5c5cfe206cde/view?keywords=&sort=-modifiedDate&index=&is_active=true&page=1&date_filter_index=0&inactive_filter_values=false&organization_id=100012075. See also Ted Hesson and Kristina Cooke, "U.S. to Place Some Migrant Families in Hotels in Move Away From Detention Centers," U.S. News, March 20, 2021, <https://www.usnews.com/news/top-news/articles/2021-03-20/us-to-place-some-migrant-families-in-hotels-in-move-away-from-detention-centers>.

⁷ See Ted Hesson and Kristina Cooke, "U.S. to Place Some Migrant Families in Hotels in Move Away From Detention Centers," U.S. News, March 20, 2021, <https://www.usnews.com/news/top-news/articles/2021-03-20/us-to-place-some-migrant-families-in-hotels-in-move-away-from-detention-centers>.

⁸ ICE Guidance on COVID-19, "COVID-19 ICE Detainee Statistics by Facility," [last visited June 10, 2021] <https://www.ice.gov/coronavirus>.

⁹ 117th U.S. Congress. House Committee on Appropriations, Department of Homeland Security Subcommittee. "Department of Homeland Security Resource Management and Operational Priorities" May 26, 2021, <https://appropriations.house.gov/events/hearings/department-of-homeland-security-resource-management-and-operational-priorities>.

¹⁰ Felipe De La Hoz, "Biden Showers Cash on ex-CIA Contractor MVM to Transfer Migrants," The Daily Beast, May 3, 2021, <https://www.thedailybeast.com/biden-showers-cash-on-ex-cia-contractor-mvm-inc-to-transfer-migrants?source=articles&via=rss>.

¹¹ See Dominic Anthony Walsh and Reynaldo Leañes Jr., "Migrants Are Being Held In Hotels And Then Expelled Without Access To Attorneys," Texas Public Radio, July 23, 2020, <https://www.tpr.org/border-immigration/2020-07-23/migrants-are-being-held-in-hotels-and-then-expelled-without-access-to-attorneys>. See also, Vanessa Swales,

We call on the Biden-Harris administration to immediately engage in greater transparency with regards to the border management and processing programs, and to turn to the trusted local NGOs who stand ready to assist with supporting those released from the border instead of hoteling them.¹² Border reception and welcoming centers should be funded and operated outside of ICE and CBP, with trusted community-based nonprofit organizations providing contracted services. Existing border shelter networks provide vital care for asylum seekers arriving at the U.S.-Mexico border, and have the capacity to provide more services for far less than what is allocated towards Endeavors and MVM contracts.¹³ Critically, such programs must be established in consultation with border communities and use a trauma-informed approach.

We look forward to hearing your response. If you have any questions, please contact: Manoj Govindaiah, RAICES (manoj.govindaiah@raicetexas.org); Setareh Ghandehari, Detention Watch Network (sghandehari@detentionwatchnetwork.org); Laura St. John, Florence Immigrant & Refugee Rights Project (lstjohn@firrp.org), Jorge Loweree, American Immigration Council, (JLoweree@immcouncil.org); and Jesse Franzblau, National Immigrant Justice Center, (jfranzblau@heartlandalliance.org).

Sincerely,

Advocate Visitors with Immigrants in Detention (AVID) in the Chihuahuan Desert
Al Otro Lado
Aldea - The People's Justice Center
Alianza Americas
America's Voice
American Friends Service Committee (AFSC)
American Gateways
American Immigration Lawyers Association
Arizona Jews for Justice
Asista
Asylum Seeker Advocacy Project (ASAP)
Austin Border Relief
AZ Hispanic Community Forum
Bellevue Program for Survivors of Torture
Bishop Enrique San Pedro Ozana
Bishop, United Methodist Church, Desert Southwest Conference
Black Mountain United Church of Christ

“ICE gave \$185 million deal to defense contractor under investigation for housing kids in office,” Reveal News, October 15, 2018, <https://revealnews.org/article/ice-gave-185-million-deal-to-defense-contractor-under-investigation-for-housing-kids-in-office>.

¹² The Request for Information (RFI) published by DHS on June 2, 2021 appears to acknowledge concerns raised by border organizations about the failure to investigate existing resources prior to entering on the Endeavors contract. However, the initial timeline on the RFI was fairly ill-suited to obtain meaningful interaction from a diverse group of border humanitarian aid organizations. See U.S. Department of Homeland Security, RFI: Emergency Family Staging Centers, June 2, 2021, <https://sam.gov/opp/c370ac9d8c4c486ead7d7b6f5cd47b2e/view>.

¹³ See, *i.e.*, Church World Services, “Border Shelter Network and Call Center,” <https://cwsglobal.org/our-work/north-america/border-shelter-network-and-call-center>.

BORDER ANGELS

Bridges Faith Initiative

Casas Adobes Congregational UCC

Catholic Charities (Santa Fe)

Catholic Charities of Gallup, Inc.

Catholic Charities of Southern New Mexico

Catholic Coalition for Migrant Justice

Catholic Community Services of Southern Arizona dba Casa Alitas Program

Center for Gender & Refugee Studies

Center for Victims of Torture

Centro Legal de la Raza

Colores United

Council on American Islamic-Relations - San Diego

Detention Watch Network

Doctors For Camp Closure

ELCA (Evangelical Lutheran Church in America)

ELCA AMMPARO

Esperanza Immigrant Rights Project

Faith in Public Life Action

First Church United Church of Christ

Florence Immigrant & Refugee Rights Project

Freedom For Immigrants

Galilee Center

Good Neighbor Settlement House

Government Accountability Project

Houston Immigration Legal Services Collaborative

Human Rights First

Illinois Coalition for Immigrant and Refugee Rights

Immigrant Action Alliance

Immigrant Defenders Law Center

Immigrant Justice Idaho

Immigrant Legal Advocacy Project

Immigration Advocates Network

Immigration Ministry of St Michael & All Angels Episcopal Church, Albuquerque, NM

Immigration Task Force, United Church of Santa Fe

International Rescue Committee

Jewish Activists for Immigration Justice of Western MA

Jewish Community Relations Council of Greater Phoenix

Jewish Family Service of San Diego

Jewish History Museum and Holocaust History Center of Tucson

JFCS of Southern Arizona

Justice Action Center

Ktizo UCC Church

La Posada Providencia

Latin America Working Group (LAWG)

Lawyers for Good Government, Project Corazon

Legal Aid Justice Center
Louisiana Advocates for Immigrants in Detention
Mabel Center for Immigrant Justice
Maryland Against ICE Detention
Maryland Legislative Coalition
Minnesota Interfaith Coalition on Immigration
National Association of Social Workers
National Association of Social Workers, Arizona
National Council of Jewish Women Arizona
National Immigrant Justice Center (NIJC)
National Immigration Law Center (NILC)
National Immigration Project (NIPNLG)
National Lawyers Guild of Los Angeles
National Network for Immigrant & Refugee Rights
NETWORK Lobby for Catholic Social Justice
NorCal Resist
Oro Valley United Church of Christ
Pennsylvania Immigration and Citizenship Coalition
Project Corazon, Lawyers for Good Government
Proyecto Dilley
Rainbow Bridge Asylum Seekers
Refugee Aid
Refugee and Immigrant Center for Education and Legal Services (RAICES)
Refugees International
San Diego Immigrant Rights Consortium
Sanctuary DMV
Scottsdale Congregational United Church of Christ
Sister of Mercy
Sisters of the Holy Spirit
Sisters of the Holy Spirit and Mary Immaculate
Sisters of the Sacred Heart of Jesus
Southern Border Communities Coalition
Southwest Conference of the United Church of Christ
Survivors of Torture, International
Takoma Park Mobilization - Equal Justice Committee
Taos United Community Church (UCC)
Taylor Levy Law
The Good Shepherd United Church of Christ
The Green Valley/Sahuarita Samaritans
Torture Abolition And Survivors Support Coalition International
Transformations CDC
Uncage & Reunite Families Coalition
UndocuBlack Network
United Church of Christ
United Church of Santa Fe
United Churches Fellowship UCC, Nogales, AZ

Washington Office on Latin America
Women's Refugee Commission