

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.”<sup>1</sup> 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.”<sup>2</sup>

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.<sup>3</sup> 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.

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<sup>1</sup> *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>.

<sup>2</sup> 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>.

<sup>3</sup> 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.<sup>4</sup> 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.<sup>5</sup>

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](mailto:haltman@heartlandalliance.org)), Katharina Obser from the Women’s Refugee Commission ([katharinao@wrcommission.org](mailto:katharinao@wrcommission.org)), or Joanne Lin from the American Civil Liberties Union ([jlin@aclu.org](mailto: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

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<sup>4</sup> 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>.

<sup>5</sup> 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