

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.<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup> The inspections system is rife with loopholes that allow contract renewals despite abuse and harmful conditions.<sup>4</sup> 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.<sup>5</sup>

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

---

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

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

<sup>3</sup> 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).

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

<sup>5</sup> 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.

<sup>6</sup> 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.<sup>7</sup> 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.<sup>8</sup> 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.<sup>9</sup> 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,<sup>10</sup> 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](mailto:katharinao@wrcommission.org) or Heidi Altman at the National Immigrant Justice Center at [haltman@heartlandalliance.org](mailto:haltman@heartlandalliance.org).

---

<sup>7</sup> 8 U.S.C. § 1362.

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

<sup>9</sup> 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).

<sup>10</sup> 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