



WOMEN'S  
REFUGEE  
COMMISSION

December 6, 2012

President Barack Obama  
The White House  
1600 Pennsylvania Avenue  
Washington, DC 20500

Re: Prioritizing the Concerns of Women and Families in Comprehensive Immigration Reform

Dear President Obama:

On behalf of the Women's Refugee Commission (WRC) Migrant Rights and Justice Program we congratulate you on your re-election. We look forward to continuing to work with your administration on improving upon our immigration policies and commend you for your recent announcement that immigration reform will be a top domestic priority in this second term. The strong support of both Latino and women voters played a critical role in this election, and we are thrilled to see that the administration is motivated to address the concerns of these two key constituencies. Movement on comprehensive immigration reform is desperately needed, particularly as it uniquely affects women and families. No reform can be considered comprehensive if it does not tackle issues that women and other vulnerable groups face.

While legislative reform is essential and we look forward to the opportunities it provides, we also hope to continue to work with your administration to support the administrative reforms that you have made and the development of further improvements to the agencies' efficiencies and fairness in implementing the law. We applaud the significant progress that has been made in reforming immigration detention and concern for family unity during enforcement actions. In the spirit of having received the inaugural, 2012, ICE/ERO Exemplary Community Partner Award, we look forward to building upon these reforms to ensure the development and implementation of new immigration laws and policies respect our most basic American traditions as an immigrant country and include a profound respect for due process.

The following priorities include areas in which the Women's Refugee Commission has in-depth knowledge and expertise. We look forward to a continued conversation about how best to keep the issues women and other vulnerable groups face a top priority going forward.

**Family Unity** - The Women's Refugee Commission strongly supports maintaining family unity across borders. Families across the United States continue to be torn apart by the inadequacies of our current immigration

system despite the goal of family unity historically being a lynchpin of U.S. immigration policy. Mr. President you have personally acknowledged that our immigration enforcement policies should not tear children from their mothers arms. Yet, full protection is not possible without further changes in policy and legislative reform.

- Immigration laws must respect family unity and principles of family due process.
- Legislative reform must include legal mechanisms for keeping families together and maintaining the integrity of communities.
- Detained and deported parents must be provided with information and the ability to make decisions with respect to their children’s custody and well-being, including, meaningful opportunities to participate in the judicial process involving custody of their children and procedures to arrange travel and custody for their children.

**Permanent Legal Status** – In addition to the critical need for establishing practical and inclusive mechanisms for migrating legally into the United States, the Women’s Refugee Commission strongly supports permanent legal immigration status for the millions of men, women, and children who have come to the United States in pursuit of the American Dream and contributed to our country. We recognize that such legislation will involve much debate and compromise given our divided Congress. We would like to emphasize that as these discussions proceed, certain basic principles must be protected.

- Legalization and access to visas and green cards must respect and be inclusive of women, children and other vulnerable groups.
  - Evidence to demonstrate eligibility must include work inside the home or in the informal economy.
  - Eligibility cannot be restricted by age.
  - Beneficiaries must be protected and treated fairly. Family unity and access to legalization for family members must be included in order to avoid creating a second class society at risk of abuse and exploitation.
  - Mechanisms for establishing relationship between child and principle applicant must be sensitive to foreign governments’ guidelines and limitations.
  - Avenues for self petitions for legal status for those vulnerable to abuse by principle applicants must be preserved.

**Detention (DHS, ORR Custody) Reform** – The United States has seen a shocking increase in the use of penal models of immigration detention in the past decade. While this administration has made efforts to reform the immigration detention system, much work remains to be done. Furthermore, legislative reform is necessary in order to truly reform the system and ensure compliance with international human rights norms.

- Decisions to restrict liberty through detention must be made on an individualized basis and respect due process.
  - Mandatory detention laws should be eliminated and replaced with individual assessments of the need to detain.
  - There should be no quotas or legislative requirements to require minimum numbers of detainees.
  - Detention is justified in each individual case and any restriction on liberty must be provided the opportunity for judicial review.
  - Where detention is required by the individual circumstances, alternative forms of custody should be utilized.
  - Community support alternatives should be considered in lieu of other forms of restrictive custody.
  
- Conditions of immigration custody, including for children, must be non-penal and should restrict liberties only as necessary to ensure their appearance in court and safety of detainees.
  - Implement transparency and accountability through meaningful and independent oversight of all DHS operations and access to facilities by NGOs and other independent organizations in order to ensure compliance and humane conditions.
  - Ensure meaningful, enforceable prevention measures and access to protection against sexual assault, abuse and rape for all migrants in US immigration custody, including implementation of the Prison Rape Elimination Act protections at CBP, ICE and ORR facilities
  - A meaningful complaint mechanism needs to be implemented for detained immigrants to report abuse and zero tolerance policies implemented for enforcement agents who commit such abuses
  - Release from DHS custody should be implemented safely.

**Border Enforcement**– The Women’s Refugee Commission recognizes that any immigration reform effort will include discussion around securing our borders. Your administration has made great progress in this respect. It is critical that further border restrictions not be a quid pro quo for legalization and any further efforts to secure our borders must ensure protection of the human rights of migrants, and particularly provide protections and safety to women, children, and other vulnerable populations. The Women’s Refugee Commission has found that while overall migration from Mexico has decreased significantly in recent years, the number of women, children, and other vulnerable migrants seeking protection has increased. If we are to uphold our country’s longstanding tradition as a country of refuge, we must ensure that these migrants seeking safety are treated fairly and humanely.

- Efforts to secure the border must respect U.S. laws and obligations under international law to provide access to protection and respect for human rights and due process.
- Asylum seekers and trafficking victims must be identified and ensured protections entitled to them under international and U.S. law.
- Access to asylum must be protected, through elimination of restrictions such as the one-year filing bar and overly restrictive interpretations of particular social group.

We thank you again for your commitment to immigration reform that benefits our communities, upholds core American values, and protects children and families. The Women's Refugee Commission looks forward to supporting you in these efforts. If you have any questions, or would like further information or elaboration, please do not hesitate to contact me at (646) 717-7191 or at [michelleb@wrcommission.org](mailto:michelleb@wrcommission.org). Thank you for your time and attention to the issue of migrant women and families.

Sincerely,

A handwritten signature in black ink that reads "Michelle Brané". The signature is written in a cursive, flowing style.

Michelle Brané  
Director, Migrant Rights & Justice Program  
Women's Refugee Commission