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.

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. 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.

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


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