

Via email delivery only

July 11, 2024

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security

Re: Pattern of Deteriorating Immigration Detention Conditions Amid Expansion Efforts

Dear Secretary Mayorkas,

Our immigrant and civil rights organizations write to draw your attention to recent policy changes and other decisions across the immigration detention system that violate the basic rights and humanity of immigrant communities, particularly people who are currently detained. We urge you to reverse these decisions and work towards fulfilling your stated commitments to dignity and humane treatment of all people, including those who immigrate to our nation. We also request an immediate engagement with agency officials to discuss these recent changes.

Our Urgent Concerns

Specifically, we write to raise concerns regarding: 1) deteriorating conditions at Immigration and Customs Enforcement (ICE) detention facilities, including the agency's recent decision to eliminate a program that provided 520 minutes of free phone calls to people in ICE custody; 2) the intent to re-start intakes at the Adelanto facility in California; 3) plans to dramatically expand the number of ICE detention facilities nationwide, as demonstrated in the recent "[Multi-State Detention Facility Support](#)" Request for Information (RFI) and 4) the decision to close the Dilley detention center in Texas only to fund the addition of 1600 detention beds elsewhere.

By working to expand a detention system already plagued by abuse and negligence and simultaneously imposing additional barriers that curtail the ability of people in detention to access the outside world as conditions inside continue to deteriorate, the Biden administration flagrantly breaks the promises it made four years ago to end private detention at the federal level, reduce reliance on immigration detention, and create a more humane immigration system. Detained people, their loved ones, and advocates continue to report on conditions that have worsened over the last four years.

Amid Increasingly Deadly Conditions in ICE Facilities, New Policies Compound Abuse and Retaliation

As conditions in ICE detention have deteriorated, more detained people are increasingly in harm's way. Since the start of the Fiscal Year, eleven people have died in ICE detention—more than [double the number of deaths](#) in the prior year. The most recent death occurred just last month, yet another example of ICE's failure to provide adequate medical and mental health care to detained people. As the ACLU, American Oversight, and Physicians for Human Rights (PHR)

[recently found](#), 95% of deaths in immigration detention were preventable or possibly preventable if ICE had provided clinically appropriate medical care. Researchers at Harvard Law School and PHR also recently [documented](#) that ICE is increasingly placing people in solitary confinement, at an average time of 27 days, and uses solitary confinement arbitrarily as a form of punishment, including as a form of retaliation for protesting conditions. Similarly, Immigration Equality, the National Immigrant Justice Center (NIJC), and Human Rights First (HRF), recently documented that [LGBTQ and HIV positive immigrants](#) in detention face sexual abuse, physical assaults or sexual harassment, and are targets of widespread verbal and physical abuse. These findings build on a lengthy record of a lack of basic medical care, abusive conditions that [disproportionately impact Black immigrants](#) and other [vulnerable groups](#) of people in ICE detention, and [inadequate inspections](#) processes.

Amid these deteriorating conditions, in June ICE implemented the decision to revoke free phone call access to people in detention. The 520 free minutes of phone calls given to each person each month in immigration detention facilities nationwide served as a lifeline for seeking support from family and friends, finding counsel, and reporting abuses. ICE itself has claimed in litigation that its policy of providing the free telephone minutes each month to detained people helps to meet its obligation to provide constitutionally required access to counsel in detention.¹ We have heard directly from indigent individuals in detention that they can no longer call their attorneys for free, limiting their access to legal services. Depriving detained people of this service with little advance notice and without meaningful engagement with organizations directly representing those in detention underscores a disregard for the basic humanity of those navigating their immigration cases while held in detention and further isolates and punishes them.

Across the detention system, detained people have continued to report intimidation and retaliation for speaking up about worsening conditions over the last four years, including most recently as a result of speaking up about the loss of free telephone minutes. There have been [reports](#) that ICE has retaliated against detained people protesting this decision, including by using solitary confinement as a form of [punishment](#) for engaging in hunger strikes.

Additional Barriers Further Violate Access to Counsel and Impede Support

In addition to taking away the free telephone minutes, ICE has been imposing other barriers to accessing community and legal support. For example, at the Eloy Detention Center in Arizona, facility officials have subjected detained people to full body strip searches after social contact visits on the weekends (which is the only time family and friends are permitted visitation). Many who cannot afford to call family and friends now have no other choice than in person visits that require full body strip searches which are humiliating and dehumanizing.

At other facilities, such as the Plymouth County Jail in Massachusetts, advocates report being unable to reach their clients by phone and instead having to rely on costly video calls, in-person visits, or legal mail, which often takes weeks. These increasing barriers are especially alarming

¹ Defs' Opp. to Pls.' Mot. for Prelim. Injunction at 36, *Americans for Immigrant Justice et al., v. U.S. Dep't of Homeland Sec.*, No. 1:22-cv-3118 (D.D.C. Dec. 12, 2022), ECF No. 66.

as they follow similar policies which further limit the ability of people in Customs and Border Protection (CBP) custody from accessing outside legal and community support ahead of crucial fear screenings. Combined, these policy changes represent an alarming escalation in efforts by this administration to undermine the existence of any meaningful access to counsel or support for people in DHS custody.

Hundreds of Advocacy Groups Across the Country are Calling for Accountability

Two months ago, [more than 200 civil society organizations](#) nationwide submitted a [letter](#) to President Biden sounding alarm bells on the significant increase in the number of people detained over the past four years. Only a few weeks ago, [ten U.S. senators expressed their concern](#) in a letter to Secretary Mayorkas objecting to the renewal of contracts for four detention facilities in light of the track record of abuses in those facilities. Key congressional leaders like Congresswoman Jayapal and Senators Booker, Warren, and Heinrich, have also objected to the expansion of the detention system or dangerous conditions in specific facilities in the states they represent. Nevertheless, over the past two weeks, DHS and ICE have moved forward with these decisions without meaningful engagement with stakeholders or elected officials.

Our organizations regularly represent, support, and advocate for people in immigration detention. We see everyday that expanding detention and cutting necessary services imposes suffering on immigrants without advancing any rational policy goal. Detention does not provide an efficient or ethical means of border processing. [Studies show](#) that even the most punitive forms of detention do not deter people from coming to the United States to seek safety or a better life.

We continue to call on the Biden administration to reverse course and move towards policies that allow people to go through their immigration cases in community and with the support of loved ones and access to legal support. In the meantime, we request that ICE immediately halt all expansion efforts, restore free phone access, and protect the basic rights of the people it detains. Additionally we respectfully request immediate opportunity to engage directly with DHS and ICE officials to get answers regarding the timing, justifications, and implementation of these new policies, and for us to share how the implementation of these policies affects those we represent. We hope to hear back soon with a proposed date and time for a timely engagement.

Sincerely,

Detention Watch Network
National Immigrant Justice Center
Freedom for Immigrants
Human Rights First
Immigrant Legal Resource Center
National Immigration Project
ACLU
Vera Institute of Justice

Acacia Center for Justice
Advocates for Immigrant Rights and Reconciliation
African Human Rights Coalition
Alliance San Diego
American Friends Service Committee
American Friends Service Committee, Colorado
American Friends Service Committee, NJ Immigrant Rights Program
American Gateways
Americans for Immigrant Justice
Amica Center for Immigrant Rights (formerly known as CAIR Coalition)
Amnesty International USA
Asian Americans Advancing Justice - Asian Law Caucus
Asian Americans Advancing Justice | AAJC
Asian Americans Advancing Justice-Atlanta
Asian Prisoner Support Committee
Baker Interfaith Friends
Bend the Arc Jewish Action: South Jersey
Bend the Arc: Jewish Action
Bilbao Law
Black Alliance for Just Immigration
Border Kindness
Borderlands Resource Initiative
Boston Immigration Justice Accompaniment Network
Bridges Faith Initiative
Buen Vecino
California Coalition for Women Prisoners
California Alliance for Youth and Community Justice
California Collaborative for Immigrant Justice (CCIJ)
California Immigrant Policy Center
California Immigrant Youth Justice Alliance
Campaign to Fight Toxic Prisons
Caravan 4 Justice
Carolina Migrant Network
CASA
Center for Constitutional Rights
Center for Empowering Refugees and Immigrants
Center for Gender & Refugee Studies
Center for Human Rights and Constitutional Law
Center for Immigration Law and Policy at UCLA Law
Center for Law and Social Policy
Center for Victims of Torture
Central American Resource Center - CARECEN- of California
Church World Service
CIMA (Compañeros Inmigrantes de las Montañas en Accion

Coalición de Derechos Humanos)
Coalition for Humane Immigrant Rights (CHIRLA)
Colorado Immigrant Rights Coalition
Communities United for Restorative Youth Justice
Communities United for Status & Protection (CUSP)
Community Change Action
Community EsTr(EI/La)
Community Justice Exchange / National Bail Fund Network
Comunidad Maya Pixan Ixim (CMPI)
Connecticut Shoreline Indivisible
Disability Rights California
Doctors for Camp Closure
Dolores Huerta Foundation
Dorothy Day Catholic Worker, Washington DC
El Refugio
Ella Baker Center for Human Rights
Envision Freedom Fund
Estrella del Paso (Formerly Diocesan Migrant and Refugee Services Inc)
Faith in Action
Families For Freedom
First Friends of New Jersey & New York
Florence Immigrant and Refugee Rights Project
Florida Immigrant Coalition
Florida Student Power Network
Food Justice DMV
Fordham Law School Feerick Center for Social Justice
Free Migration Project
Government Accountability Project
Grassroots Leadership
Greater Lansing Peace Education Center
Ground Game LA
Harvard Immigration and Refugee Clinical Program
Holy Cross Ministries of Utah
Home is Here NOLA
Hope Border Institute
Houston Immigration Legal Services Collaborative
Houston Leads
Human Impact Partners
Human Rights Coalition of Alachua County
ICE out of Tarrant
Illinois Alliance For Reentry And Justice
Illinois Coalition for Immigrant and Refugee Rights
Immigrant Defenders Law Center
Immigrant Justice Network

Immigration Hub
Immigration Law & Justice Network
Immigration Services and Legal Advocacy (ISLA)
Indivisible San Diego Persist
Inland Coalition for Immigrant Justice
Inland Empire Immigrant Youth Collective
Innovation Law Lab
Interfaith Movement for Human Integrity
Interfaith Welcome Coalition of San Antonio TX
ISLA: Immigration Services and Legal Advocacy
Juntos
Just Neighbors
Justice in Motion
Kern Welcoming and Extending Solidarity to Immigrants
Kino Border Initiative
La Raza Community Resource Center
La Resistencia
La Union del Pueblo Entero (LUPE)
Las Americas Immigrant Advocacy Center
LatinoJustice PRLDEF
Law Office of Fabiola A Navarro
Lawyers for Good Government
Lawyers' Committee for Civil Rights of the SF Bay Area
Louisiana Advocates for Immigrants in Detention
Louisiana Organization for Refugees and Immigrants
Make the Road Nevada
Make the Road NY
Massachusetts Immigrant and Refugee Advocacy Coalition
Massachusetts Law Reform Institute
Midwest Immigration Bond Fund
Minnesota Freedom Fund
Mobile Pathways
MomsRising/MamásConPoder
MORE2
Movement for Justice in El Barrio
Muslim Advocates
National Employment Law Project
National Immigration Law Center
National Latina Institute for Reproductive Justice
National LGBTQ Task Force Action Fund
National Network for Immigrant and Refugee Rights (NNIRR)
National Partnership for New Americans
Near Futures Projects
NETWORK Lobby for Catholic Social Justice

Never Again Action
New Jersey Alliance for Immigrant Justice
New Mexico Immigrant Law Center
New Sanctuary Coalition
New Sanctuary Movement of Philadelphia
New York Immigration Coalition
New York Lawyers for the Public Interest
Nikkei Progressives
NorCal Resist
North County LGBTQ Resource Center
Oasis Legal Services
OCAD
Ohio Immigrant Alliance
Orale: Organizing Rooted in Abolition Liberation, and Empowerment
Orange County Equality Coalition
Orange County Justice Fund
Orange County Rapid Response Network
PA Stands Up
Pangea Legal Services
Pax Christi New Jersey
Pennsylvania Immigrant & Citizenship Coalition
Physicians for Human Rights
Pilgrim United Church of Christ, Carlsbad CA
PODER of Idaho
Presente.org
Prisoners Legal Services of MA
Project ANAR
Project South
Public Counsel
Puente
Quixote Center
Racial Justice Georgia (Episcopal)
RAICES
Refugee Support Services, RSN
Refugees International
Resilient Advocates Collective
Resistencia en Accion NJ
Revolución Educativa
Riverside All of us or None
Robert F. Kennedy Human Rights
Rocky Mountain Immigrant Advocacy Network
Rural Organizing Project
SA Stands
San Diego Immigrant Rights Consortium (SDIRC)

San Francisco Public Defender's Office
San Joaquin College of Law
Services, Immigrant Rights & Education Network (SIREN)
Sisters of Mercy of the Americas - Justice Team
Society of the flora, fauna & friend
South Bay People Power
Southeast Asia Resource Action Center (SEARAC)
Southern Border Communities Coalition (SBCC)
Southwest Asylum & Migration institute (SAMI)
SURJ NYC
T'ruah: The Rabbinic Call for Human Rights
Tahirih Justice Center
Tarjimly
The Advocates for Human Rights
The Bronx Defenders
The Mami Chelo Foundation
Trans Queer Pueblo - Semilla de Liberación
Tsuru for Solidarity
UndocuBlack Network
Union for Reform Judaism
Unitarian Universalist Massachusetts Action
Unitarian Universalists for Social Justice
Unite Oregon
United Church of Christ
United We Dream
Universidad Popular
UnLocal
USC Gould School of Law Immigration Clinic
Voces Unidas RGV
Voice of the Experienced-(VOTE)
Voices for Utah Children
Washington Defender Association
Washington Office on Latin America
Washington Square Legal Services, Inc. Immigrant Rights Clinic
Witness at the Border
Women's Refugee Commission
Woori Juntos

cc

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