



June 30, 2021

Officers

Chair

Judith L. Lichtman
National Partnership for
Women & Families

Vice Chairs

Derrick Johnson
NAACP
Farhana Khera
Muslim Advocates
Thomas A. Saenz
Mexican American Legal
Defense and Educational Fund

Secretary

Fatima Goss Graves
National Women's Law Center

Treasurer

Lee A. Saunders
American Federation of State,
County & Municipal Employees

Board of Directors

Kimberly Churches
AAUW
Alphonso B. David
Human Rights Campaign
Rory Gamble
International Union, UAW
Jonathan Greenblatt
Anti-Defamation League
Mary Kay Henry
Service Employees International Union
Damon Hewitt
Lawyers' Committee for
Civil Rights Under Law
Sherrilyn Ifill
NAACP Legal Defense and
Educational Fund, Inc.
David H. Inoué
Japanese American Citizens League
Benjamin Jealous
People for the American Way
Derrick Johnson
NAACP
Virginia Kase
League of Women Voters of the
United States
Samer E. Khalaf
American-Arab
Anti-Discrimination Committee
Marc Morial
National Urban League
Janet Murguía
UnidosUS
Debra L. Ness
National Partnership for
Women & Families
Christian F. Nunes
National Organization for Women
Rabbi Jonah Pesner
Religious Action Center
Of Reform Judaism
Rebecca Pringle
National Education Association
Lisa Rice
National Fair Housing Alliance
Anthony Romero
American Civil Liberties Union
Fawn Sharp
National Congress of American Indians
Maria Town
American Association of
People with Disabilities
Richard L. Trumka
AFL-CIO
Randi Weingarten
American Federation of Teachers
John C. Yang
Asian Americans Advancing Justice |
AAJC

Interim President & CEO
Wade Henderson

President Joe Biden
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Dear Mr. President:

On behalf of The Leadership Conference on Civil and Human Rights and the undersigned organizations, we urge you to take prompt administrative action to address widespread and longstanding violations of civil and human rights in our country's immigration detention system. While we continue urging Congress to take up an overhaul of our immigration system, we believe your administration has the authority and the moral imperative to make a number of improvements unilaterally in the area of detention policy.

The issue of immigration detention has renewed urgency. Recently released data from U.S. Immigration and Customs Enforcement (ICE) shows that the number of people in immigration detention has increased by 64 percent since January. On January 15, ICE was detaining 14,715 people, and as of June 4, it was detaining 24,100 people. Your administration has pledged to create a just and humane immigration system, but it is moving in the opposite direction through increasing ICE's unnecessary and harmful reliance on immigration detention. We call on your administration to immediately address this issue, and reverse course.

In recent decades, our country's system of detaining immigrants – whether they are waiting to be admitted or waiting for their cases to be decided – is one that has cried out for reform. It has drawn concern and condemnation because of the sheer number of immigrants and asylum seekers who are locked up in jail-like facilities for months or even years, and the racial disparities in the overall system, with the overwhelming majority of those detained by ICE being Black and Brown immigrants. Immigrants and asylum seekers from African and Caribbean countries are held in solitary confinement cells six times as often as the population at large, and the egregious conditions and barriers to due process faced by individuals in ICE custody is well-documented. The vast majority of people held by ICE are locked up in facilities owned or managed by private prison companies or state, county, or local governments.

Detention of immigrants and asylum seekers used to be the exception, not the rule. In 1994, 6,800 persons were detained. By 2013, the number rose to nearly 34,000 and then to an all-time high of more than 52,000 in 2019 during the Trump administration. This steady rise is heavily driven by profit incentives that also fuel egregious conditions and human rights abuses. The number of people locked up by ICE decreased with the pandemic, but has grown

again to 24,100 as of June 4, and ICE is budgeted for 34,000 beds in FY 2021. Under expansive interpretations of mandatory detention laws, ICE resorts to mass detention instead of evaluating individual circumstances and releasing immigrants who do not pose a flight risk or threat to public safety.

Moreover, while they remain locked up, immigrants and asylum seekers frequently endure horrific conditions, with sexual assault, violent abuse, and medical negligence commonplace, as reported by advocates, media, and government oversight bodies. And the COVID-19 pandemic has only further highlighted the dangers of detention, with illness sweeping through facilities and impacting more than 12,000 people in detention as of the end of April, a number that likely does not capture the full extent of the virus's spread.

Furthermore, detention in a sprawling country-wide network of more than 200 facilities severely impacts individuals' access to legal help and other sources of support that could help their immigration cases. People facing deportation are often locked up hundreds or thousands of miles from their homes, families, communities, and lawyers. And for asylum seekers and others fleeing danger and persecution in their country of origin, they often face an excruciating scenario of remaining detained during the pendency of their applications, or giving up their cases and risking persecution or even death.

Congress bears a great deal of responsibility for the creation of this inhumane system, including through the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), and Congress must fix it. To that end, the Dignity for Detained Immigrants Act, sponsored by Senator Cory Booker (D-NJ) and Representative Pramila Jayapal (D-WA), is one measure that would provide a transformative and practical framework for reform, including ending mandatory detention, phasing out contracts with private prisons and local and state facilities, setting standards for humane treatment, banning solitary confinement, and strengthening oversight, transparency, and accountability.

Your administration, however, should not wait for Congress to act. You can and should take a number of steps now to address the abuses of the current system, and to implement provisions of the Dignity for Detained Immigrants Act that lie within your executive authority. These steps include:

- Ending contracts with private prison companies and state and local facilities, to eliminate the profit motives that have driven so much of the explosive growth in immigration detention, and to address the egregious conditions experienced by immigrants and asylum seekers in these facilities. Facilities with the worst records for negligent and abusive care and conditions and lack of accountability should be prioritized in phasing out contracts. Such a move is consistent with your executive order phasing out the Department of Justice's use of private prisons as part of the administration's commitment to racial equity and your recent comments reiterating that "private detention centers should not exist."
- Enacting an affirmative, individualized review of custody for all immigrants and asylum seekers in detention, and adopting a presumption of release, rather than the current presumption of detention.

- Promoting the use of community-based services, including legal representation programs and access to case management and social supports that help immigrants and asylum seekers navigate the immigration process.
- Supporting significant cuts in funding for FY22 ICE Custody Operations in the Department of Homeland Security budget request, to align capacity with the presumption of release.
- Ending the use of solitary confinement in ICE detention and adopting the American Bar Association's Civil Immigration Detention Standards.
- Working with advocates and Congress on robust oversight of immigration detention facilities.
- Eliminating bond for those otherwise eligible for release.

Your administration's recent decision to cut ties with the Irwin County Detention Center in Georgia and the Bristol County Detention Center in Massachusetts were important steps, but far more needs to be done. Addressing this urgent issue is also about addressing racial justice, which must be at the center of creating a fair and humane system. As our organizations continue to push for legislation, we look forward to following up with you, the Department of Homeland Security, and other relevant agencies on the details of the administrative reforms outlined above.

If you have any questions, please contact Rob Randhava, senior counsel at randhava@civilrights.org, or Iman Boukadoum, senior program manager for fighting hate and bias at boukadoum@civilrights.org.

Sincerely,

The Leadership Conference on Civil and Human Rights

American Immigration Lawyers Association
Americans for Democratic Action (ADA)
America's Voice
Amnesty International USA
Asian Americans Advancing Justice | AAJC
Asylum Seeker Advocacy Project (ASAP)
Autistic Self Advocacy Network
Bend the Arc: Jewish Action
Center for Victims of Torture
Hispanic Federation
Illinois Coalition for Immigrant and Refugee Rights
Immigration Hub
Impact Fund
National Association of Social Workers
National Council of Jewish Women
National Council on Independent Living
National Immigrant Justice Center
National Immigration Law Center
National Immigration Project (NIP-NLG)

June 30, 2021
Page 4 of 4



NETWORK Lobby for Catholic Social Justice
People For the American Way
Public Defenders Coalition for Immigrant Justice
Service Employees International Union (SEIU)
SPLC Action Fund
UnidosUS
YWCA USA