

December 4, 2014

Hon. Barbara Mikulski, Chairwoman
Hon. Richard C. Shelby, Ranking Member
Senate Appropriations Committee
United States Senate
Washington, DC 20510

Hon. Harold Rogers, Chairman
Hon. Nita Lowey, Ranking Member
House Appropriations Committee
United States House of Representatives
Washington, DC 20510

To the conferees:

We are writing to encourage the Conference Committee on the Department of Homeland Security (DHS) bill appropriating funds for the remainder of FY2015 to reject the provision of any funding for the detention of immigrant children and their mothers, and to instead increase the capacity of Immigration and Customs Enforcement (ICE) to use alternatives to detention (ATDs) on a case-by-case basis where there is a demonstrated flight risk that must be mitigated.

In June of this year, DHS began detaining families in large numbers. The evidence is undeniable that many of these children and their mothers, who have been raped, kidnapped, beaten, shot or violently threatened, are refugees who qualify for protection under U.S. law. Many are seeking safety with relatives already here in the U.S. who are willing and able to support them. These mothers and children – as young as nursing infants – should not be in detention. No funding should be provided for this project of detaining and rushing to deport vulnerable asylum-seeking families back to the very danger they fled. Family detention is not a border security issue; it is a humanitarian and due process disaster.

Since 2009, language included in ICE's appropriation has stated "[t]hat funding made available under this heading shall maintain a level of not less than 34,000 detention beds..." We continue to urge that this language be removed. This quota of 34,000 is completely arbitrary and is an aberration among law enforcement agencies. Some, including ICE officials, wrongly interpret the language to require ICE to hold a minimum of 34,000 individuals in detention on average every day. But we particularly urge that, in appropriating funding for the remainder of FY2015, no special quota be created, directly or by inference, for family beds.

We further urge you to appropriate sufficient funding to substantially expand ICE's capacity to use ATDs in lieu of detention. ATDs are more humane, cost far less than detention (from mere pennies to \$22 per day for the most intensive forms of supervision such as ankle monitors, compared with \$159-\$298 per day for detention) and provide ICE officers with a greater degree of flexibility in making custody determinations. ATDs are also extremely effective: community-based support models have shown appearance rates of well over 90%, and ICE's existing full-service model reports an appearance rate of 99.6%. These are the same tools used nationwide by local and state criminal law enforcement authorities to supervise individuals in their custody. But ICE is far behind the criminal justice system in its use and exploration of the broad range of available ATD models, which includes bond, telephonic check-ins, community-based support, and case management.

ICE's capacity to make greater use of ATDs and to implement an integrated nationwide ATD program that includes a wide range of options is currently limited by more than just the dollar value of the appropriation. ICE needs specific funding for staff at each field office who are dedicated to conducting individualized assessments for proper placement on an ATD and for coordinating ATD use across field offices when individuals move or are transferred.

Finally, we recommend clear report language requiring (1) that individualized assessments be made in each case; (2) that the least restrictive ATD necessary be used in every case; (3) that ICE must use a wide range of ATDs including community-based alternatives; and (4) that ATDs are particularly appropriate for vulnerable populations like asylum seekers and families. Report language should also clarify that ATDs are only intended for individuals who would otherwise be detained – not as an unnecessary additional requirement for individuals who pose absolutely no public safety or flight risk and would therefore be released on their own recognizance.

We urge you to consider these requests as you debate appropriations for the remainder of FY2015.

Signed:

International Organizations

American Jewish Committee
Center for Victims of Torture
HIAS
Physicians for Human Rights
Sisters of Mercy of the Americas

National Organizations

American Civil Liberties Union
American Immigration Lawyers Association
Americans for Immigrant Justice
Asian Americans Advancing Justice-AAJC
ASISTA Immigration Assistance
Center for Community Change
Center for Gender & Refugee Studies
Council on American-Islamic Relations
Franciscan Action Network
Futures Without Violence
Hispanic Federation
Human Rights First
Immigration Equality Action Fund
Jesuit Conference of the United States
Leadership Conference of Women Religious
League of United Latin American Citizens
Lutheran Immigration and Refugee Service
National Alliance to End Sexual Violence
National Asian American Pacific Islander Mental Health

National Asian Pacific American Bar Association (NAPABA)
National Council of Jewish Women
National Council of La Raza (NCLR)
National Employment Law Project
National Immigrant Justice Center
National Immigration Forum
National Immigration Law Center
National Korean American Service and Education Consortium
National Queer Asian Pacific Islander Alliance
NETWORK, A National Catholic Social Justice Lobby
South Asian Americans Leading Together (SAALT)
Southeast Asia Resource Action Center (SEARAC)
U.S. Committee for Refugees and Immigrants
Washington State Coalition Against Domestic Violence
Women's Refugee Commission
YWCA USA

Regional Organizations

Advocates for Survivors of Torture and Trauma
Center for Survivors of Torture
Jesuit Social Research Institute/Loyola University New Orleans

State Organizations

Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA)
Conversations With Friends - Ending Isolation by visiting and supporting detained immigrants (MN)
Florence Immigrant & Refugee Rights Project (AZ)
Florida Institutional Legal Services, Project of Florida Legal Services
Illinois Coalition for Immigrant and Refugee Rights
Immigrant Law Center of Minnesota
Immigrant Legal Advocacy Project (ME)
Immigration Center for Women and Children (CA)
Massachusetts Immigrant and Refugee Advocacy Coalition (MIRA)
OneAmerica (WA)
Political Asylum Immigration Representation Project (MA)
Program for Torture Victims (CA)
Workers Defense Project (TX)

Local Organizations

Asian Americans Advancing Justice - Asian Law Caucus (San Francisco, CA)
Catholic Charities of Minneapolis and St. Paul
Gulf Coast Jewish Family & Community Services' Florida Center for Survivors of Torture
Human Rights Initiative of North Texas
Inter-faith Coalition on Immigration (Minneapolis, MN)
Jewish Community Action (St. Paul, MN)
New Sanctuary Coalition (New York, NY)

Palabra (Santa Barbara, CA)
Reformed Church of Highland Park, NJ
Survivors of Torture, International (San Diego, CA)
Wilco Justice Alliance (Williamson County, TX)