

Hon. Representative John Carter
Rayburn House Office Building, 2110
Washington, D.C. 20515-4331

Hon. Senator John Boozman
Hart Senate Office Building, SH-141
Washington, D.C. 20510-0406

Hon. Representative Lucille Roybal-Allard
Rayburn House Office Building, 2083
Washington, D.C. 20515-0540

Hon. Senator Jon Tester
Hart Senate Office Building, SH-311
Washington, D.C. 20510-2604

July 18, 2017

**** Urging Opposition to ICE's FY 2017 Reprogramming Request for Detention Funds ****

Dear Rep. Carter, Rep. Roybal-Allard, Senator Boozman, and Senator Tester:

We write to urge you to deny Immigration and Customs Enforcement (ICE)'s June 30th request for a reprogramming of funds to cover detention costs for the remainder of Fiscal Year 2017. This request comes only weeks after Congress passed the FY2017 Omnibus Appropriations bill that already provided a 10.4% increase for detention funding compared to the previous year. Given the grave concerns about detention conditions and the Administration's plans to dispense with the governing national standards for some detention facilities, a further increase in funding will jeopardize lives. Moreover, with border apprehension rates at historic lows, any increase in detention capacity will likely result in the expanded detention and deportations of DACA recipients and other undocumented people with strong ties to the United States.

Good governance demands that your committee deny ICE's fiscally and ethically irresponsible request. In passing the FY17 appropriations bill, Congress reprimanded ICE for its "lack of fiscal discipline and cavalier management of funding for detention operations," ascribing this fiscally irresponsible attitude to "a perception that ERO is funded by an indefinite appropriation." In no uncertain terms the report then demanded that ICE "manage-to-budget" and not "operate under the false perception that Congress will provide a bailout if financial controls fail or are simply ignored." ICE is now requesting exactly such a bailout.

Through the supplemental Omnibus for FY17, Congress has already provided ICE with \$2.558 billion to increase its detention capacity.¹ The detention capacity funded by these amounts - which we understand to be an average daily population of about 39,000 for the full fiscal year - is truly a historic anomaly. We believe that no reasonable justification exists for ICE's demand for *more* funds so soon after this supplemental appropriation. ICE's acting director has been explicit in his testimony before Congress that he intends to use enforcement funds to target all

¹ See National Immigration Forum, [Department of Homeland Security Fiscal Year \(FY\) 2017 Omnibus Appropriations](#).

undocumented immigrants, including DACA recipients and their families, asylum seekers, and long-time residents of the United States who pose no risk to public safety.²

Furthermore, ICE has proven itself unable to provide for the basic health, safety, and due process rights of the men, women and children in its custody. The U.S.'s civil immigration detention system is now so punishing that bona fide asylum seekers are abandoning their claims to protection because they cannot bear one more day in detention.³ Ten people have died in immigration custody this fiscal year, the same number of deaths that occurred throughout the *entirety* of fiscal year 2016.⁴ Individuals in detention report receiving food with worms and insects and discolored water, and credible reports of abuse of force by officers and excessive use of segregation and lockdown are common.⁵ ICE's current system of inspections and oversight is rife with loopholes and woefully inadequate to document and remedy egregious failures.⁶

Providing ICE with additional funds for detention will serve to line the pockets of the private prison industry but will not serve the interests of the American taxpayer. Alternatives to detention are far cheaper and infinitely more humane than detention. ICE has failed to take adequate advantage of such alternatives, as demonstrated in its recent termination of the pilot Family Case Management Program despite preliminary outcomes demonstrating the program's efficacy, cost savings, and promise as a compassionate alternative to incarceration for families seeking protection in the United States.⁷

ICE's reprogramming request is a clear attempt to work around what Congress appropriated, with devastating impact on human lives. We urge you to reject the request.

Contact: Heidi Altman, National Immigrant Justice Center, 312-718-5021, haltman@heartlandalliance.org

Sincerely,

² Maria Sacchetti, *Washington Post*, ["ICE chief tells lawmakers agency needs much more money for immigration arrests,"](#) June 13, 2017.

³ One jarring example is the story of Martin Mendez Pineda, a Mexican journalist who fled to the United States to escape death threats only to agree to deportation when he could no longer bear immigration detention. See Martin Mendez Pineda, *Washington Post*, ["I'm a reporter in Mexico. My life is in danger. The United States Wouldn't Give Me Asylum,"](#) May 25, 2017.

⁴ Adolfo Flores, *BuzzFeed*, ["Another Immigrant Has Died in ICE Custody and Critics Worry It's Just the Beginning,"](#) June 2, 2017; Justin Glawe, *Daily Beast*, ["Immigrant Deaths in Private Prisons Explode Under Trump,"](#) May 30, 2017.

⁵ Southern Poverty Law Center and National Immigration Project, [Shadow Prisons: Immigrant Detention in the South](#) (2016).

⁶ See Detention Watch Network and National Immigrant Justice Center, *Lives in Peril*, [How Ineffective Inspections Make ICE Complicit in Immigration Detention Abuse](#) (2015).

⁷ See Aria Bendix, *The Atlantic*, ["ICE Shuts Down Program for Asylum Seekers,"](#) June 9, 2017.

Adjunct Justice
African Hope Committee Inc.
Alianza
Alliance San Diego
American Civil Liberties Union (ACLU)
American Gateways
American Immigration Lawyers Association
American-Arab Anti-Discrimination Committee
Americans for Immigrant Justice
America's Voice Education Fund
Amnesty International USA
Arkansas United Community Coalition
Asian Americans Advancing Justice | AAJC
Asian Americans Advancing Justice-LA
Asian Pacific American Labor Alliance, AFL-CIO (APALA)
Asian Pacific Institute on Gender-Based Violence
ASISTA
Asylum Seeker Advocacy Project (ASAP)
Atlas: DIY
Baker Interfaith Friends
Better Together NYC
Cabrini Immigrant Services of NYC
California Coalition Against Sexual Assault (CALCASA)
Capital Area Immigrants' Rights Coalition
Casa San Jose
Catholic Agency/Community Immigration Services
Causa Oregon
Center for Employment Training Immigration and Citizenship Program
Center for Gender & Refugee Studies
Center for the Human Rights of Children, Loyola University Chicago
Central American Legal Assistance
Central Valley Immigrant Integration Collaborative (CVIIC)
Centro Comunitario CEUS
Centro Laboral de Graton
Christian Church (Disciples of Christ) Refugee and Immigration Ministries
Christian Community Development Association
Church of Our Saviour/La Iglesia de Nuestro Salvador Episcopal
Church of the Savior UCC Knoxville, TN
Church World Service
Clerics of St. Viator (Justice Office)
Cleveland Jobs with Justice
Coalition for Humane Immigrant Rights (CHIRLA)

Coalition for Immigrant Rights
Coloradans For Immigrant Rights, A project of the AFSC Colorado
Comite de Padres Unidos
Comite Civico del Valle
Community Initiatives for Visiting Immigrants in Confinement (CIVIC)
Community of Friends in Action, Inc.
Congregation of Our Lady of Charity of the Good Shepherd, US Provinces
Congress of Day Laborers/New Orleans Worker Center for Racial Justice
CT Working Families
CWS-Lancaster, PA
Detained Migrant Solidarity Committee-El Paso, Texas
Detention Watch Network
Dolores Street Community Services
Dominican Sisters ~ Grand Rapids
Equal Rights Advocates
Equality Texas
Erie Neighborhood House
Faith in the Valley
Faith Voices Arkansas
Farmworker Justice
First Congregational UCC of Portland, Oregon
First Friend of NJ and NY
Franciscan Action Network
Franciscan Sisters of the Atonement
Franciscans for Justice
Freedom House
Freedom Network USA
Friends Committee on National Legislation
Friends of Broward Detainees
Friends of Miami-Dade Detainees
Fuerza Mundial
Gainesville FL Interfaith Alliance for Immigrant Justice
Gay Liberation Network
Gethsemane Lutheran Church
Global Family Legal Services
Grand Rapids Dominicans
Grassroots Leadership
Greater Rochester Coalition for Immigration Justice
Green Valley/Sahuarita Samaritans
Hana Center
HealthRight International
HIAS Pennsylvania

Hilton Head for Peace
Hispanic Federation
Holy Name Province (OFM) Office for Justice, Peace and Integrity of Creation
Holy Spirit Missionary Sisters, USA – JPIC
Human Rights Initiative of North Texas
Illinois Coalition for Immigrant and Refugee Rights
Immigrant Justice Action Group, First Unitarian-Portland OR
Immigrant Law Center of Minnesota
Immigrant Legal Resource Center
Immigrant Youth Coalition
Immigration Equality Action Fund
Indivisible Alta-Pasadena
Indivisible4Immigration
Instituto de Educacion Popular del Sur de California (IDEPSCA)
Interfaith Alliance for Immigrant Justice
Interfaith Worker Justice
International Institute of the Bay Area
InterReligious Task Force on Central America and Colombia
Jobs With Justice
JPIC Committee of the Sisters of St. Francis of Philadelphia
Justice for Our Neighbors West Michigan
Kentucky Coalition for Immigrant and Refugee Rights
Kids for College
Kino Border Initiative
KIPP Bay Area Schools
Kitsap Immigrant Assistance Center
Korean Resource Center
Latin America Working Group
Latino Initiative on Restorative Justice
LatinoJustice PRLDEF
League of United Latin American Citizens
March and Rally Los Angeles
Massachusetts Immigrant and Refugee Advocacy Coalition
Massachusetts Law Reform Institute
Michigan United
Migrant Justice / Justicia Migrante
MomsRising.org
Mujeres Inmigrantes Luchando Unidas (MILU)
NAKASEC (National Korean American Service & Education Consortium)
National Advocacy Center of the Sisters of the Good Shepherd
National Asian Pacific American Women's Forum
National Black Justice Coalition

National Center for Transgender Equality
National Council of Jewish Women
National Immigrant Justice Center
National Immigration Law Center
National Immigration Project of the NLG
National Justice for Our Neighbors
National Latina Institute for Reproductive Health
National Latina/o Psychological Association
NETWORK Lobby for Catholic Social Justice
Nevada Paralegal Center, LLC
NH Conference UCC Immigration Working Group
Nicaragua Center for Community Action
NM Immigrant Law Center
North Bay Jobs with Justice
Northern Illinois Justice for Our Neighbors
Northern Manhattan Coalition for Immigrant Rights
OCA - Asian Pacific American Advocates
Occupy Bergen County (New Jersey)
Ohio Council of Churches
OutFront Minnesota
Pax Christi Florida
Pennsylvania Immigration and Citizenship Coalition
Pennsylvania Immigration Resource Center
Pilipino Workers Center
Pittsburgh LCLAA
Project IRENE
Project South
Queer Detainee Empowerment Project
Redwood Justice Fund
Reformed Church of Highland Park
Refugee and Immigrant Center for Education and Legal Services (RAICES)
Refugio del Rio Grande
Rural and Migrant Ministry
Sacred Heart Community Service
Sauti Yetu Center for African Women and Families
Service Employees International Union
Services, Immigrant Rights, and Education Network (SIREN)
Sisters and Brothers of Immigrants, Inc.
Sisters of Charity of St. Vincent de Paul of New York
Sisters of Mercy South Central Community
Sisters of Mercy West Midwest Justice Committee
Sisters of St. Francis, St. Francis Province

Sisters of St. Joseph of Rochester
Skagit Immigrant Rights Council
SOMOS Mayfair
Southeast Asia Resource Action Center (SEARAC)
Southern Border Communities Coalition
SSND - CP Shalom/IPIC Office
St. Anthony/All Saints Catholic Church
St. James Cathedral Immigrant Assistance
St. Louis Inter-Faith Committee on Latin America (IFCLA)
Tahirih Justice Center
The Farmworker Association of Florida
Transgender Law Center
Trinity Episcopal Church
T'ruah: The Rabbinic Call for Human Rights
U.S. Committee for Refugees and Immigrants
UnidosUS (formerly NCLR)
Unitarian Universalist Service Committee
United We Dream
University Leadership Initiative
Urban Justice Center Domestic Violence Project
Ursulines of the Roman Union - Eastern Province
UUPLAN
UURISE - Unitarian Universalist Refugee & Immigrant Services & Education
Washington Defender Association
Washington Office on Latin America
Wayne Action for Racial Equality
We Belong Together
WeCount!
Wilco Justice Alliance (Williamson County, TX)