

**Congress of the United States**  
Washington, DC 20510

April 15, 2021

Submitted Via Electronic Mail

The Honorable Alejandro Mayorkas  
Secretary  
Department of Homeland Security  
301 7<sup>th</sup> Street, SW, Mail Stop 0150  
Washington, DC 20528

Dear Secretary Mayorkas:

We are writing to you to urge the Department of Homeland Security (DHS) to take bold action to fix our broken immigration detention system. While this system has needed reform for quite some time, the past four years have taught us how this cruel detention system can be pushed to its limits to inflict the maximum amount of pain and suffering on those who are in its custody. Therefore, we ask you to take concrete steps to transform our immigration detention system so that it better reflects our American values and ideals.

Over the past 25 years, the number of immigrants in detention has exploded. In 1994, the average daily population of individuals in detention was 6,785.<sup>1</sup> In 2019, the average daily population of immigrants in detention was 50,165.<sup>2</sup> This drastic increase is no accident. It can be directly traced to our flawed immigration laws and policies.

And to make matters worse, our immigration detention system has a horrible track record of mistreating those who are in it. We have seen the excessive use of solitary confinement,<sup>3</sup> lack of medical care,<sup>4</sup> forced and medically unnecessary gynecological procedures,<sup>5</sup> insufficient availability of drinkable water,<sup>6</sup> among other horrible abuses. Sadly, the manner in which our

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<sup>1</sup>ALISON SISKIN, IMMIGRATION-RELATED DETENTION: CURRENT LEGISLATIVE ISSUES, CONGRESSIONAL RESEARCH SERVICE (Apr. 28, 2004), *available at* <https://trac.syr.edu/immigration/library/P2.pdf>.

<sup>2</sup> U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT FISCAL YEAR 2019 ENFORCEMENT AND REMOVAL OPERATIONS REPORT (2019), <https://www.ice.gov/sites/default/files/documents/Document/2019/eroReportFY2019.pdf>.

<sup>3</sup> Hannah Rappleye et al., *Thousands of immigrants suffer in solitary confinement in U.S. detention centers*, NBC NEWS, May 9, 2019, <https://www.nbcnews.com/politics/immigration/thousands-immigrants-suffer-solitary-confinement-u-s-detention-centers-n1007881>.

<sup>4</sup> DEP'T OF HOMELAND SECURITY, OFFICE OF INSPECTOR GENERAL, VIOLATIONS OF DETENTION STANDARDS AMID COVID-19 OUTBREAK AT LA PALMA CORRECTIONAL CENTER IN ELOY, AZ (Mar. 20, 2021), <https://www.oig.dhs.gov/sites/default/files/assets/2021-04/OIG-21-30-Mar21.pdf>.

<sup>5</sup> Rachel Treisman, *Whistleblower Alleges 'Medical Neglect,' Questionable Hysterectomies of ICE Detainees*, NPR, Sept. 16, 2020, <https://www.npr.org/2020/09/16/913398383/whistleblower-alleges-medical-neglect-questionable-hysterectomies-of-ice-detaine>.

<sup>6</sup> Gwen Aviles, *Ocasio-Cortez: Detained migrants being told to 'drink out of toilets'*, NBC NEWS, July 1, 2019, <https://www.nbcnews.com/news/latino/ocasio-cortez-detained-migrants-being-told-drink-out-toilets-n1025431>.

detention system is set up promotes these sorts of misconduct. This is wrong and it must be stopped.

To truly fix our broken immigration system, we introduced the Dignity for Detained Immigrants Act. Our legislation would help restore humanity and fairness to our immigration detention system. It would require DHS to establish civil detention standards equivalent to those set forth by the American Bar Association's Civil Immigration Detention Standards and vigorously enforce those improved standards through random spot checks, routine independent inspections, and increased penalties. This bill would end the use of private prisons and county jails to detain immigrants and eliminate the use of mandatory detention. The Dignity for Detained Immigrants Act would mandate that all immigrants receive an individualized bond hearing and prevent the detention of a primary caregiver, or members of vulnerable populations such as children and the elderly, unless the government can demonstrate that it is not practicable to utilize community-based supervision. This common sense approach would enable more families to stay together in a community setting rather than a detention facility. Finally, the legislation would require DHS to investigate all deaths of immigrants in its custody and issue a public report within 60 days.

We therefore ask for your assistance and support in urging Congress to pass the Dignity for Detained Immigrants Act as a necessary step to fairness and justice. While it will take an act of Congress to truly fix our broken immigration detention system, there are steps you can take now to improve this system. Therefore, we are asking you to take the following steps:

- Adopt the civil detention standards put forward by the American Bar Association's Civil Immigration Detention Standards;
- Phase out the use of private prisons and county jails for immigration detention, beginning with the immediate termination of contracts in facilities with the most egregious records of rights abuses, including those with high death rates and in remote locations;
- Ensure all immigrants receive access to an individualized review of their custody and fair bond hearing;
- Adopt a presumption of release in all cases rather than the current presumption of detention, placing the burden on the government to justify the use of detention;
- Promote the robust use of alternatives to detention as a way to reduce the number of people detained, following best practices that embrace community-based and community-supported case management services;
- Conduct vigorous oversight of all ICE facilities where immigrants are held to ensure that immigrants are treated with dignity and respect;
- Prohibit the use of solitary confinement; and
- Take necessary steps toward a dramatic reduction in the number of people detained and the length of their detention, beginning by calling for significant cuts in funding for the FY22 Immigration and Customs Enforcement Custody Operations in the DHS budget request

While we work to pass our legislation, these are actions you can take to ensure that our immigration system treats those who are in it with compassion and dignity. Thank you for your prompt attention to this important matter.

Sincerely,



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Cory A. Booker  
United States Senator



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Pramila Jayapal  
United States Representative



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Adam Smith  
United States Representative