

Hon. Alejandro N. Mayorkas
Secretary of Homeland Security
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Ave, SE
Washington, DC 20528

July 19, 2022

Dear Secretary Mayorkas,

In light of the Supreme Court's rights-stripping decision in *Dobbs v. Jackson Women's Health Organization*, we, the undersigned organizations, write to urge you to immediately issue clear guidance that DHS *shall not* use any abortion care-related arrest or conviction as a basis for any immigration enforcement action, nor shall the agency consider it a barrier to any form of immigration relief. Furthermore, we urge you to ensure that all people held in DHS custody have timely access to the full range of reproductive health care, including abortion care, regardless of the laws of the states where they may be detained. Finally, we seek a commitment to ensuring that DHS will not deter or interfere with people's ability to safely and freely travel from and return to their states and communities of residence for abortion care, regardless of their immigration status.

The very same day the Court issued the decision, President Biden [condemned it in clear terms](#), calling it "a realization of an extreme ideology and a tragic error by the Supreme Court"; stating that overturning *Roe v. Wade* would put the "health and life" of people in the U.S. "at risk"; and that the decision sent the country "back 150 years." The President then promised to do "all in [his] power" to protect the right to choose. He went on to direct his Administration to take steps to protect people seeking abortion care. The President highlighted the [Attorney General's statement](#) affirming that people have the right to travel outside of their states to seek abortion care and vowing that the Department of Justice would use "every tool at [their] disposal to protect reproductive freedom." The President also ordered the Secretary of Health and Human Services to take steps to protect people's access to pregnancy-ending medications and other forms of reproductive healthcare.

But as certain states rush to criminalize receiving, providing, and aiding access to abortion care, an additional danger looms for noncitizens who exercise control over their bodies and their reproductive futures, or who help others seeking the same freedom: deportation. While there is no sound legal basis for using a conviction for one of these newly created crimes as a ground for deportation or to deprive someone of relief, you must make it absolutely clear that DHS will not take *any* enforcement action against people who may be arrested for or convicted of abortion care-related crimes. You must also clarify that DHS will not consider these arrests or convictions,

or the disclosure of having obtained abortion care, to bar any form of immigration relief, including in discretionary determinations. Such clarifications are necessary to be consistent with President Biden's position: you, too, must do "all in [your] power" to protect reproductive freedom.

Under ICE & CBP agency pregnancy directives, the agency should neither detain nor take immigration enforcement action against any pregnant person in almost all cases. Adherence to this directive is especially important to ensure that pregnant people may receive whatever reproductive health care they need. For those pregnant people who remain in your custody, no matter where your agency holds them, you must also issue guidance to ensure that they have timely access to abortion care and any other reproductive health care they may require. DHS detention deprives them of the liberty to travel to another state to seek abortion care as other people may; thus it is DHS's responsibility to secure abortion care for them. Likewise, people who are under Orders of Supervision often require ICE's permission to travel out of state; your guidance should also require ICE to permit interstate travel for people who need abortion care. The horror and shame of the [forced gynecological procedures that were committed on ICE's watch](#) in the Irwin Detention Facility still stain your agency. You must take action to prevent other people in your custody from losing autonomy over their bodies and from being deprived of the choice to make the families they want.

Finally, immigration status checks at interior CBP checkpoints and ports of entry seriously obstruct access to abortion, which is essential health care, for undocumented pregnant people. Since Texas banned abortion last year, people seeking abortions have been forced to travel out of state for care. With bans now taking effect in multiple states following the Supreme Court's decision, many more people will be forced to travel to other US states, or out of the country, to access abortion care. It is imperative that DHS set and enforce policies that ensure that its agents do not deter or interfere with people's ability to safely and freely travel from and return to their states of residence for abortion care, regardless of their immigration status.

In order to adequately respond to the increase in cross-state and cross-border travel for abortion care, DHS should enable patients seeking time sensitive and urgent health care services, including abortion, as well as those supporting them, to access abortion care out of state or to return to the U.S. after receiving abortion care out of the country, without risk of detention or enforcement. This must protect patients from violations of privacy by federal immigration enforcement and personnel and guarantee confidentiality of medical information. It is critical that a person's travel to access this essential medical service is not used to initiate or continue removal proceedings or used against anyone in future applications for citizenship or legal status – particularly now as accessing this service without traveling a great distance becomes increasingly impossible.

Thank you for your attention to this matter. Please do not hesitate to reach out to Sirine Shebaya at sirine@nipnlg.org or (202) 656-4788 with any questions or for further discussion.

Sincerely,

Advocates for Youth
Advocating Opportunity
AIDS Foundation Chicago
All Above All Action Fund
Alliance of Tribal Coalitions to End Violence
American Atheists
American Civil Liberties Union
American Civil Liberties Union (ACLU) of Arizona
American Humanist Association
American Immigration Council
American Immigration Lawyers Association
Asian Americans Advancing Justice | AAJC
Asian Pacific Institute on Gender-Based Violence
Asian Prisoner Support Committee
ASISTA Immigration Assistance
Association of Asian Pacific Community Health Organizations (AAPCHO)
Athena's Warehouse Inc.
Battle Born Progress
Bold Futures of NM
Bridges Faith Initiative
Brooklyn Defender Services
Caminar Latino - Latinos United for Peace and Equity
Capital Area Immigrants' Rights (CAIR) Coalition
CASA
Catholics For Choice
Center for Gender & Refugee Studies
Center for Law and Social Policy
Child trafficking survivor, FNUSA member
Cleveland Jobs with Justice
COLAGE
Columbia Law School Immigrants' Rights Clinic
Community Asylum Seekers Project
Connecticut Shoreline Indivisible
Detention Watch Network
EducateUS: SIECUS In Action

Empowering Pacific Islander Communities (EPIC)
ERA Coalition
Esperanza United (Formerly Casa de Esperanza: National Latin@ Network)
Faith in Public Life
Faith Organizing Alliance
Families for Freedom
FLAP-Farmworker and Landscaper Advocacy Project
Florence Immigrant and Refugee Rights Project
Freedom for Immigrants (FFI)
Freedom Network USA
Frontera Fund
Futures Without Violence
Gulfcoast Legal Services
Her Justice, Inc.
Houston Immigration Legal Services Collaborative
Human Rights First
Human Rights Initiative of North Texas
Immigrant Defenders Law Center
Immigrant Defense Project
Immigrant Justice Network
Immigrant Legal Resource Center
Immigration Hub
In Our Own Voice: National Black Women's Reproductive Justice Agenda
Individual Physician
Innovation Law Lab
Inter-Faith Committee on Latin America
International Institute of Buffalo
Iowa Coalition Against Domestic Violence
Ipas Partners for Reproductive Justice
Japanese American Citizens League
Jewish Activists for Immigration Justice of Western Mass
Jewish Women International (JWI)
JUNTOS Philadelphia
Just Neighbors Ministry
Justice for Migrant Women
KAN-WIN
Kansas Coalition Against Sexual and Domestic Violence
La Resistencia
Latino Commission on AIDS
LCLAA

Legal Aid Justice Center
Legal Momentum, the Women's Legal Defense and Education Fund
Los Angeles LGBT Center
Louisiana Advocates for Immigrants in Detention
Make the Road Nevada
Make the Road NY
Mazzoni Center
me too. International
Migrant Center for Human Rights
Minnesota Interfaith Coalition on Immigration
Minority Veterans of America
MomsRising/MamásConPoder
My Sisters' Place
NARAL Pro-Choice America
National Asian Pacific American Women's Forum (NAPAWF)
National Coalition Against Domestic Violence
National Council of Jewish Women
National Crittenton
National Family Planning & Reproductive Health Association
National Health Law Program
National Immigrant Justice Center
National Immigration Law Center
National Immigration Project (NIPNLG)
National Justice For Our Neighbors
National Latina Institute for Reproductive Justice
National LGBTQ Task Force
National Network for Arab American Communities
National Network for Immigrant and Refugee Rights
National Network to End Domestic Violence
National Organization for Women
National Partnership for New Americans
National Partnership for Women & Families
National Resource Center on Domestic Violence
National Survivor Network
New American Leaders
New England Justice for Our Neighbors
New York Annual Conference United Methodist Church Board of Church and Society
New York Justice for Our Neighbors, Inc.
North Carolina Coalition Against Domestic Violence
NYS Coalition Against Domestic Violence

Oasis Legal Services
One APIA Nevada
Oxfam America
Physicians for Reproductive Health
Planned Parenthood Federation of America (PPFA)
Prairielands Freedom Fund
Progressive Leadership Alliance of Nevada
ProgressNow New Mexico
Refugees International
Respond Crisis Translation
Rian Immigrant Center
Robert F. Kennedy Human Rights
Rocky Mountain Immigrant Advocacy Network
Sikh Family Center
Sounds Like Me Inc, Daya Inc
Southern Border Communities Coalition
Sunita Jain Anti-Trafficking Initiative
T'ruah: The Rabbinic Call for Human Rights
Tahirih Justice Center
Tennessee Justice for Our Neighbors
Texas Civil Rights Project
The Advocates for Human Rights
The Black Alliance for Just Immigration (BAJI)
The Bronx Defenders
The Leadership Conference on Civil and Human Rights
The Praxis Project
The Resurrection Project
The Sex Workers Project of the Urban Justice Center
Transformations CDC
Tulane's Immigrant Rights Clinic
United African Organization
UNITED SIKHS
University of Maryland SAFE Center for Human Trafficking Survivors
UnLocal
URGE: Unite for Reproductive & Gender Equity
Vera Institute of Justice
VIDA Legal Assistance Inc.
Violence Free Minnesota
Voces Unidas (RGV)
Win Without War

Women's Foundation California
Women's Refugee Commission
YWCA Kalamazoo
YWCA USA