

End the Relentless Attacks on Immigrant Families by Defunding & Abolishing ICE

July 3, 2018

The Honorable Mitch McConnell
Senate Majority Leader
317 Russell Senate Office Building
Washington, DC 20510

The Honorable Chuck Schumer
Senate Minority Leader
322 Hart Senate Office Building
Washington, DC 20510

The Honorable Paul D. Ryan
Speaker of the House
H-232, United States Capitol
Washington DC, 20515

The Honorable Nancy Pelosi
Minority Leader
H-204, United States Capitol
Washington, DC 20515

Dear Leader McConnell, Leader Schumer, Speaker Ryan, and Leader Pelosi:

As organizations committed to protecting the reproductive rights, health, and justice of women and all immigrants, we write to express our horror and dismay regarding the Trump Administration's abhorrent treatment of immigrant families and children. Such inhumane and cruel treatment of immigrant families undermines our nation's core democratic values, and decimates families and entire communities. The Trump Administration's advancing of policies that endanger the lives and livelihoods of immigrants and leave children without the family members who love them is unconscionable. The latest attack on immigrant women and families includes the Trump Administration's so-called "[zero tolerance](#)" policy prosecuting lawful asylum-seekers, forcibly separating children from their parents, and Trump's Executive Order to indefinitely detain families in prison-like conditions. We call on Congress to use all available tools, including authorization power and federal appropriations, to force this Administration to end its cruel and abusive family separation and indefinite family detention policies, through abolishing the immigration detention system, including U.S. Customs and Border Protection (CBP) and U.S. Immigrations and Customs Enforcement (ICE).

As of June 2018, border agents have separated more than 2,400 immigrant children from their parents--mostly mothers.¹ **Family separation and indefinite family detention is a human rights crisis.** A parent's right to keep their family intact is a reproductive right, and the forcible separation of children from their parents violates the tenets of reproductive justice. There can be no justice for a parent who chooses to create a family and to parent a child when the U.S. government forcibly tears their family apart – the right to parent without fear of violence and deportation, from individuals and from governmental authorities, is a basic human right.

The "zero tolerance" policy was created by the Trump Administration and implemented by *choice*. No court decision and no federal law mandated such draconian and unconscionable

¹ Camila Domonoske and Richard Gonzalez, *What We Know: Family Separation And 'Zero Tolerance' At the Border*, NPR, Jun. 19, 2018, <https://www.npr.org/2018/06/19/621065383/what-we-know-family-separation-and-zero-tolerance-at-the-border>.

actions. Yet, the Administration chose to leverage their human rights violations in hopes of convincing Congress to fund Trump's morally reprehensible immigration priorities.²

The Executive Order, issued on June 20, 2018, will do nothing more than lead to the indefinite imprisonment of children *with* their families. The alternative to family separation cannot be indefinite family incarceration. Critically, the Executive Order neither addresses *how* the currently separated children who are now in Office of Refugee Resettlement (ORR) custody will be immediately united with their parents who are currently detained by ICE or who have already been deported, nor details the time frame of any reunification process.³ The Executive Order also allows Attorney General Jeff Sessions to file a request in U.S. District Court to alter the long-standing *Flores* settlement⁴ – a key protection limiting detention to 20 days for immigrant children – a move that also paves the way for indefinite family detention, which has already begun.⁵

The solution to the current family separation crisis is not detaining families together – a prison sentence – but the release of these individuals and families to community-based alternatives to detention.⁶ Immigrant women and families belong in our communities, not in cages. ICE detention centers are plagued with pervasive human and civil rights abuses, sexual violence, and dangerously inadequate access to critical medical care, all of which pose serious risks to the health and safety of those under the U.S. government's custody. Abolishing ICE ensures no person or family endures the toll of family separation or detention ever again.

Congress Can Stop the Targeted Attacks on Immigrant Women, Families, and LGBTQ Persons

The family separation policy is just one more step in a long line of vicious attacks on immigrant women and families by the Trump Administration. From the very beginning, President Trump's administration has put immigrant families at risk, embracing and enforcing policies which endanger the lives and livelihoods of immigrant women and children.

Our immigration detention system has proven itself incapable of handling the health care needs of populations vulnerable to violence, including women, children, LGBTQ persons, and those with serious medical and mental health needs. A complaint filed with the Department of

² Salvador Rizzo, The Facts About Trump's Policy of Separating Families at the Border, The Washington Post (Jun. 19, 2018) available at

https://www.washingtonpost.com/news/fact-checker/wp/2018/06/19/the-facts-about-trumps-policy-of-separating-families-at-the-border/?utm_term=.41882ddbdfc

³ Executive Order, Affording Congress an Opportunity to Address Family Separation, 2018 WL 3046068 (June 20, 2018)

⁴ Stipulated Settlement Agreement at 3, 7–18, 20, *Flores v. Reno*, No. CV 85-4544- RJK(Px) (C.D. Cal. Jan. 17, 1997), available at

https://www.aclu.org/sites/default/files/assets/flores_settlement_final_plus_extension_of_settlement011797.pdf.

⁵ See *Flores v. Sessions*, CV 85-4544-DMG, available at

<https://www.courthousenews.com/wp-content/uploads/2018/06/Flores-request-DOJ.pdf>.

⁶ National Immigrant Justice Center and coalition, Fact Sheet: The Real Alternatives to Detention (June 2017), available at:

<https://justiceforimmigrants.org/2016site/wp-content/uploads/2017/07/The-Real-Alternatives-to-Detention-FINAL-06.27.17.pdf>

Homeland Security's Office for Civil Rights and Civil Liberties (CRCL) and the Office of Inspector General (OIG) in September 2017 detailed numerous cases of inadequate care and mistreatment, including reports of inaccurate pregnancy tests and delayed access to prenatal care, threatening both the pregnant individual's health and the health of their pregnancy.⁷ There have also been reports of shackling and restraining pregnant detainees.⁸ Yet, last December, ICE implemented a policy shift, which was not made public until this past March, that removed the presumption of release for pregnant individuals, therefore increasing the number of pregnant people in detention.⁹ Similar court filings detail abuses against children held in detention, including forcible injections of antipsychotic medications. Reports have also shown that transgender detainees are subject to high rates of sexual abuse and solitary confinement.¹⁰

Likewise, the Administration has specifically targeted immigrant victims of domestic violence, undermining the mission of the courts and law enforcement. Not only has Attorney General Jeff Sessions made it all but impossible for survivors of domestic violence, gang violence, and anti-LGBTQ violence to seek asylum,¹¹ but the Department of Homeland Security has defended courthouse arrests made by U.S. Customs and Border Protection agents – even when they have arrested victims of domestic violence.¹²

Similarly, the Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR) – the office responsible for the welfare of immigrant children now forcibly separated from their parents – vastly overstepped their authority and unconstitutionally limited immigrant youths' access to abortion care. Director Scott Lloyd¹³ repeatedly used his political power to

⁷ *Increasing Numbers of Pregnant Women Facing Harm in Detention*, Administrative Complaint filed with Office for Civil Rights and Civil Liberties, and the Office of the Inspector General, Sep. 26, 2017, available at https://www.americanimmigrationcouncil.org/sites/default/files/general_litigation/complaint_increasing_numbers_of_pregnant_women_facing_harm_in_detention.pdf

⁸ *They Left Us With Marks: The Routine Handcuffing and Shackling of Immigrants in ICE Detention*, Americans for Immigrant Justice (April 2018), available at https://d3n8a8pro7vhm.cloudfront.net/aijustice/pages/769/attachments/original/1524674398/They_Left_Us_with_Marks.pdf?1524674398.

⁹ National Latina Institute for Reproductive Health and coalition. Received by U.S. Immigration and Customs Enforcement Deputy Director and Senior Official Performing the Duties of the Director Thomas D. Homan, Washington, 11 Apr. 2018, D.C., available at <https://www.reproductiverights.org/sites/crr.civicactions.net/files/documents/ICE%20sign-on%20letter%20FINAL%204.11.18.pdf>

¹⁰ Sharita Gruberg, *ICE's Rejection of Its Own Rules Is Placing LGBT Immigrants at Severe Risk of Sexual Abuse*, Center for American Progress (Mar. 2018), available at <https://www.americanprogress.org/issues/lgbt/news/2018/05/30/451294/ices-rejection-rules-placing-lgbt-immigrants-severe-risk-sexual-abuse/>.

¹¹ Katie Brenner & Caitlin Dickerson, *Sessions Says Domestic Violence and Gang Violence Are Not Grounds for Asylum*, The N.Y. Times, available at <https://www.nytimes.com/2018/06/11/us/politics/sessions-domestic-violence-asylum.html>

¹² Last year, U.S. Customs and Border Protection agents stalked a courthouse to arrest a transgender woman who was attempting to obtain a restraining order from her abusive partner.

¹³ Rachel Siegel, *The Trump Official Who Tried to Stop a Detained Immigrant from Getting an Abortion*. Wash. Post., Oct. 26, 2017, available at https://www.washingtonpost.com/news/post-nation/wp/2017/10/26/the-trump-official-who-tried-to-stop-a-detained-immigrant-from-getting-an-abortion/?utm_term=.a0e16999433c

impose his personal religious beliefs on immigrant youth in ORR custody, shaming, bullying, and coercing young people to continue unwanted pregnancies against their will. By actively attempting to block these minors (known collectively as the Janes) from accessing abortion care, ORR openly disregarded its legal duty to provide prompt access to safe medical care to those within its charge.

As organizations that represent women and families and serve as defenders of immigrant and reproductive rights, health, and justice, we reject this President's treatment of immigrants.

Congress can end the family separation and indefinite family detention tragedy and future attacks on immigrant families. We urge Congress to act now to halt these vicious attacks:

- Use all authorization and appropriations powers delegated by the U.S. Constitution to defund and ultimately abolish ICE; and prevent the harsh conditions immigrants face in detention centers;
- Demand that the Trump Administration provide clear guidance on its new policy under the Executive Order, and provide a detailed reunification plan for the 2,400 separated children and their families;
- Use its oversight power to ensure the safe and immediate reunification of families; and
- Hold bipartisan hearings to demand answers from the agencies responsible for implementing these unconscionable policies.

This is a humanitarian crisis, and the United States has a responsibility to live up to the standards we have set for ourselves of being the refuge for those fleeing from violence and persecution.

cc: Secretary Kirstjen Nielsen
Attorney General Jeff Sessions
Secretary Alex Azar

Sincerely,

National Latina Institute for Reproductive Health

National Asian Pacific American Women's Forum

In Our Own Voice: National Black Women's Reproductive Justice Agenda

Coalition for Humane Immigrant Rights (CHIRLA)

National Black Justice Coalition

Reformed Church of Highland Park

Basic Rights Oregon

New Voices for Reproductive Justice

New Mexico Immigrant Law Center

Transgender Law Center

The Afiya Center

Freedom for Immigrants

CenterLink: The Community of LGBT Centers

Southeast Asia Resource Action Center (SEARAC)

Athlete Ally

Hispanic Federation

Asylum Seeker Assistance Project

Immigrant Defense Project

National Institute for Reproductive Health (NIRH)

Positive Women's Network - USA

Tewa Women United

Friends of Broward Detainees

Free Migration Project

Center on Reproductive Rights and Justice at UC Berkeley

SIA Legal Team

Justice Strategies

UltraViolet

Young Women United

Women's Media Center

Desiree Alliance

BiNet USA

All-Options

Congressional Hispanic Caucus Institute

Mabel Wadsworth Center

Advocates for Youth

Voto Latino

MANA, A National Latina Organization

National Hispanic Medical Association

Mi Familia Vota

Black Women for Wellness

SisterReach

Univ of Mass. Immigration Litigation Clinic

Civil Liberties and Public Policy Program

Allentown Women's Center

National Latina/o Psychological Association

National Women's Law Center

Religious Coalition for Reproductive Choice

OutServe-SLDN

National Women's Health Network

Pride at Work

URGE: Unite for Reproductive & Gender Equity

National Organization for Women

National LGBTQ Task Force Action Fund

SisterLove, Inc.

CREDO

Sexuality Information and Education Council of the United States (SIECUS)

GSA Network

Alianza Americas

SPARK Reproductive Justice NOW!, Inc.

South Texas Human Rights Center
National Advocates for Pregnant Women
National Network for Immigrant and Refugee Rights
Mississippi Immigrant Rights Alliance
UnLocal, Inc.
Freedom Network USA
Women With A Vision, Inc
National Network of Abortion Funds
California Latinas for Reproductive Justice
ATLI (Action Together Long Island)
Feminist Majority
Autistic Self Advocacy Network
National Queer Asian Pacific Islander Alliance (NQAPIA)
Asian Americans Advancing Justice-LA
OneAmerica
National Equality Action Team (NEAT)
Wallingford Indivisible
Services, Immigrant Rights, and Education Network (SIREN)
Women's March Washington State
Daily Kos
PFLAG National
Asian Pacific American Labor Alliance (APALA)
GreenLatinos
Asian Pacific American Network of Oregon (APANO)
National Korean American Service & Education Consortium (NAKASEC)
United We Dream

Labor Council For Latin American Advancement

National Association for Health Professionals

Black Women's Health Imperative

Demos

AGI Forum of the US

Religious Institute