

July 30, 2009

Dear Senator _____:

Support S. 1549, the Protect Citizens from Unlawful Detention Act, and S. 1550, the Strong STANDARDS Act (Safe Treatment, Avoiding Needless Deaths, and Abuse Reduction in the Detention System)

We, the undersigned organizations, urge you to support S. 1549, the Protect Citizens from Unlawful Detention Act, sponsored by Senators Gillibrand (D-NY), Kennedy (D-MA) and Menendez (D-NJ), and S. 1550, the Strong STANDARDS Act (Safe Treatment, Avoiding Needless Deaths, and Abuse Reduction in the Detention System), sponsored by Senators Gillibrand (D-NY) and Menendez (D-NJ). We represent a broad cross-section of religious, immigration, asylum/refugee, human rights, civil liberties and community groups from across the country. We call upon Congress to enact these important reforms that will ensure America's most basic values of liberty, dignity and respect are protected for all those living on our soil.

Since 2005 the Department of Homeland Security Immigration and Customs Enforcement (ICE) has dramatically increased and intensified immigration enforcement, using ever increasing detentions as a poor proxy for reforming the immigration system. As a result of aggressive enforcement policies and insufficient protections in the system, U.S. citizens and lawful permanent residents have been mistakenly and unlawfully detained, mistreated by government agents, and deported, including at least one U. S. citizen who was deported to Mexico illegally. These troubling outcomes are a direct result of an immigration system that relies on blanket detention policies instead of targeted immigration enforcement.

With ICE detaining more than 300,000 people last year in a swollen detention system, and predicting over 440,000 individuals will be detained this year, the vast network of federal, state, local and private prisons fail to adequately provide for the basic needs of those detained by ICE. Lacking adequate process and judicial discretion, hundreds of thousands of ICE detainees, including the sick, children, pregnant women and asylum seekers, are funneled into a detention system that was not designed to handle the large numbers or the long term detentions that result from indiscriminate enforcement of unjust immigration laws without much-needed reform. As a result, people arrested and detained by ICE are transferred across the country, far from their families and attorneys, asylum seekers spend months and sometimes years in detention, and at least 90 people have died in custody since 2003, including some in recent months.

Legislation is urgently needed to regulate and curb ICE's sweeping and reckless enforcement actions, focusing immigration enforcement in a way that is targeted and calibrated, and detaining people only where necessary. Smart enforcement coupled with secure alternatives to custodial detention would increase efficiency in the system and could potentially save millions in detention costs and lawsuits by those wrongfully detained, deported or abused while in custody. We are heartened by Secretary Napolitano's attention to issues surrounding conditions and medical care in immigration detention, and her appointment of Dr. Dora Schriro as Special Advisor on Detention and Removal Operations. We understand that Dr. Schriro is preparing a set of recommendations designed to address some of the most serious problems in the system, but also believe that changes need to come from Congress, delivered in a way that ensures consistency across administrations as well as proper accountability and oversight by Congress.

The Protect Citizens from Unlawful Detention Act would establish screening mechanisms so that vulnerable populations, such as children and pregnant women, and others who are swept up in immigration enforcement operations are considered for alternatives to detention. Screening mechanisms would also help prevent situations in which U.S. citizens are mistakenly placed into the immigration system. This bill would ensure that all people arrested or detained by ICE are advised of the right to access immigration counsel and are notified of the immigration charges against them. The right to know why one is being held, to retain and access counsel, and to be free from arbitrary detention are fundamental American values that reach back to the founding fathers.

The Strong STANDARDS Act (Safe Treatment, Avoiding Needless Deaths, and Abuse Reduction in the Detention System) would require DHS to provide access to adequate medical care, establish protocols when ICE transfers immigrants away from family and counsel, ensure access to functioning telephones inside detention centers, as well as many other improvements to conditions of detention. This bill also establishes an “alternatives to immigration detention” program that is more humane and cost-effective than penal-style detention, and more appropriate to the civil nature of immigration proceedings. These programs would ensure that people appear at immigration court hearings while also redirecting vulnerable populations such as pregnant and nursing women, the elderly and asylum seekers into cost-saving, community-based, non-custodial alternatives to detention.

We commend Senators Gillibrand, Kennedy and Menendez for sponsoring these vital pieces of legislation at a time when fiscal responsibility and a return to the rule of law sit prominently on the list of priorities for a new administration and new Congress. Our Constitution guarantees all individuals in our country the right to due process, and we must ensure that immigration enforcement is conducted in a way that is fair, humane and cost efficient. The time for Congressional action to avoid more preventable deaths in immigration detention and more detentions and deportations of U.S. citizens is now.

Sincerely,

National Organizations

Advocates for Human Rights
American Civil Liberties Union (ACLU)
American Immigration Lawyers Association
American-Arab Anti-Discrimination Committee
Amnesty International USA
Asian American Justice Center
Bill of Rights Defense Committee
Church World Service, Immigration and Refugee Program
Coalition of Irish Immigration Centers
Constitution Project
Episcopal Church
Fair Immigration Reform Movement
Florida Immigration Advocacy Center
Heartland Alliance's National Immigration Justice Center
Human Rights Watch
Immigration Equality
Irish Apostolate USA
Jesuit Refugee Service / USA

Just Detention International (JDI)
Legal Momentum
Lutheran Immigration and Refugee Service (LIRS)
Mennonite Central Committee U.S. Washington Office
National Immigration Forum
National Immigration Law Center
National Korean American Service & Education Consortium
NCLR (National Council of La Raza)
NETWORK
OCA: Embracing the hopes and aspirations of Asian Pacific Americans
Physicians for Human Rights
Rights Working Group
Sisters of Mercy of the Americas Institute Justice Team
Sisters of Mercy West Midwest Justice Team
Sisters of Mercy West Midwest Leadership Team
South Asian Americans Leading Together (SAALT)
The Center for Victims of Torture
The Friends Committee on National Legislation
United Methodist Church, General Board of Church and Society
Women's Refugee Commission
World Organization for Human Rights

Local/State/Regional

Arizona

Florence Immigrant and Refugee Rights Project
Lutheran Advocacy Ministry of Arizona

California

Center for Gender and Refugee Studies, Hastings College of Law
Immigration Law Clinic, UC Davis School of Law
International Institute of the Bay Area
Korean Resource Center
Services, Immigrant Rights, and Education Network

Colorado

Lutheran Advocacy Ministry
Colorado Immigrant Rights Coalition

District of Columbia

Ayuda

Georgia

Coalition of Latino Leaders

Iowa

Iowa Citizens for Community Improvement
Network Against Human Trafficking

Illinois

Illinois Coalition for Immigrant and Refugee Rights
Korean American Resource & Cultural Center
Center for New Community

Indiana

Migrant Support Services of Wayne County
Wayne Action for Racial Equality

Massachusetts

Immigration Clinic, Suffolk University Law School
Irish Pastoral Center

Maryland

Lutheran Office on Public Policy in Maryland

Michigan

Freedom House
ADC Michigan

Mid-Atlantic

Capital Area Immigrants' Rights (CAIR) Coalition

Minnesota

Immigration Law Center of Minnesota
Jewish Community Action

North Carolina

Sisters of Mercy South Central Community

Northeast

Sisters of Mercy of the New York, Pennsylvania, Pacific South Justice Team
Sisters of Mercy Northeast Community

Nebraska

Sisters of Mercy West Midwest Leadership Team
Lutheran Immigration Services

Nevada

Progressive Leadership Alliance of Nevada (PLAN)

New Jersey

IRATE & First Friends
Ironbound Community Corporation
Lutheran Office of Governmental Ministry in New Jersey
Middlesex County Coalition for Immigrants Rights
New Jersey Forum for Human Rights
New Jersey Immigration Policy Network
Pax Christi NJ

Wind of the Spirit

New Mexico

Lutheran Advocacy Ministry New Mexico

New York

Greater New York Labor-Religion Coalition

Centro Independiente de Trabajadores Agricolas

Westchester Hispanic Coalition, Inc.

Emerald Isle Immigration Center

New York Immigration Coalition

The Bellevue/NYU Program for Survivors of Torture

Oregon

Immigration Counseling Service

Pennsylvania

Irish Immigration Center

Lutheran Advocacy Ministry in Pennsylvania

Pennsylvania Immigration Resource Center

Rhode Island

Gloria Dei Step Up Center

Texas

Border Ambassadors

Welcoming Immigrants Network

East Williamston County Democratic Club

Las Americas Immigrant Advocacy Center