

June 16, 2016

The Honorable Jeh Johnson
Secretary of Homeland Security
U.S. Department of Homeland Security
3801 Nebraska Avenue, NW
Washington, DC 20528

The Honorable Loretta Lynch
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Secretary Johnson and Attorney General Lynch:

We write to express our deep concerns about the ongoing aggressive enforcement actions by U.S. immigration authorities against families and children seeking protection from targeted violence in El Salvador, Guatemala, and Honduras. On May 12, 2016, media reports indicated that U.S. Immigration and Customs Enforcement (ICE) was planning a 30-day surge to arrest Central American families and unaccompanied children. As with the immigration raids conducted earlier in the year, government statements emphasized that these arrests would target only those people with final orders of removal issued by immigration courts who have no viable legal remedies and have exhausted all available avenues of appeal.

Based on reports from the CARA Family Detention Project, we are aware of more than 40 individuals picked up in the recent enforcement actions and taken to the family detention facilities in Texas. Their accounts directly contradict the government's statements and show that ICE has arrested families who have not received due process and never had the opportunity to seek asylum or other protection before an immigration judge. In some cases, if the CARA Project had not intervened, serious errors committed by government officials would have resulted in the wrongful deportation of children and their mothers to the life-threatening conditions from which they fled. Many of these mothers and children have bona fide asylum claims that have not been given proper review. The U.S. government must make every effort to ensure they have a meaningful chance to present those claims.

The severe violations of due process in these cases warrant the suspension of the ongoing operations. One mother was wrongfully arrested *before* her court hearing even took place--she clearly did not get a fair day in court. Some mothers never received notice of their court hearings. In one case, the address ICE had on record was not only incorrect but so obviously flawed that government personnel should have noticed it: the address was missing any kind of street name. The mother missed her court hearing, and she and her four-year-old son were ordered removed in absentia. Although she continued appearing for appointments with ICE throughout this period, ICE never took the time to inform her that she had been ordered

removed. In another case, a mother informed an ICE officer in Dallas that she would be moving to Houston. The officer advised her that because no hearing had been set in Dallas, he could have her case moved to Houston. After moving, the mother proceeded to meet with another ICE officer at the regular appointments in Houston. However, until ICE arrested her, she was unaware that her court case had remained in Dallas and that she had been ordered removed in absentia.

In more than half of all of the cases the CARA Project has identified so far, the arrested families were unable to obtain legal counsel despite diligent efforts. This is consistent with statistics which show that half of all children and less than 30 percent of families are represented by counsel in immigration court proceedings. Competent counsel could have helped avoid defects in the court hearing notices. Statistics also show that families with counsel are 10 times more likely than unrepresented families to win relief from removal and that represented children are 6 times more likely than unrepresented children to prevail in their cases. Moreover, counsel improves court efficiency and attendance at hearings: immigration court data shows that children with counsel appeared for their hearings more than 95 percent of the time. To move forward with the arrest and removal of unrepresented children and families is an unjust practice that erodes the integrity of our immigration system.

In the cases the CARA Project has identified, many families experienced horrible violence that would have substantiated an asylum claim if they had had the opportunity to present one. One woman was raped by her husband, who escalated the violence after she became pregnant. After the child was born, he threw a machete at their son, causing permanent harm, and threatened to sell him when the woman asked for a divorce. Another woman had been abused since the age of 14 by her boyfriend who is a member of the powerful transnational MS-13 gang. She knew the police could not or would not help her and ultimately fled El Salvador with her three-year-old daughter to escape her abuser. Another Salvadoran woman was refused help from the police when she was pursued by the same man who had been convicted of raping her as a child.

All but two of the families were arrested in four states: Georgia, North Carolina, South Carolina, and Texas—where the local immigration courts have among the lowest asylum grant rates in the country. In 2015, the national average asylum grant rate was 48 percent. But immigration judges granted asylum in only 3 percent of all cases heard in Georgia, in 13 percent of all cases in North Carolina and South Carolina, and 17 percent of all cases in Texas. The vast disparity in judges' asylum decisions means that a person appearing before judges in these regions may have little or no chance of being granted asylum no matter how strong her case is.

With this highly vulnerable population, the U.S. government should be taking additional precautions to ensure that no one is wrongfully returned to a situation where she is at risk of serious harm or death. Instead, ICE has been unwilling even to slow down deportations to permit a more careful examination of claims for relief. In one case, CARA Project staff informed ICE that a mother who had not yet had an opportunity to seek asylum intended to file a claim. The mother had fled Guatemala with her daughters after they received death threats and the

police failed to provide requested assistance. CARA Project staff informed ICE that they were in the process of filing an appeal and stay request with the BIA, and asked ICE not to deport her in the meantime. Despite these efforts, ICE refused even to pause the process and deported the woman the following day, one hour before the appeal was filed. ICE further prevented the woman from meeting with her attorneys the evening before her deportation.

Not every recent entrant from the Northern Triangle qualifies for asylum or has the legal right to stay in the United States, and the CARA Project has not sought stays of deportation in every case. In fact after consultation with CARA Project staff, at least one woman agreed to return home. But every mother and child must receive a fair hearing on their claims consistent with the fundamental principles of due process. The examples provided in this letter demonstrate pervasive problems with the current system that warrant suspending the ongoing enforcement operations until the government can be sure each individual is afforded due process and a fair hearing.

Finally, we remain deeply concerned that DHS continues to prioritize children and mothers for arrest and deportation. While most of them are recent entrants, under DHS's own guidance they should not be priorities because this population has an unusually high likelihood of qualifying for asylum or other legal relief, and many have not received a fair hearing. Although the President pledged to protect families, the Administration insists on expending tremendous resources to pursue individuals who pose no risk to public safety. The government's finite enforcement resources should be focused elsewhere.

We urge you to stop using these aggressive tactics, especially against Central American families and children. Before these individuals are deported, they must receive due process, including the assistance of competent legal counsel, a fair hearing before an immigration judge, and an opportunity to appeal if appropriate. Our laws and values demand that we take every precaution to prevent sending someone back into the hands of a persecutor. It is unacceptable that the U.S government would deprive even one asylum seeker of a fair, meaningful process. But the confirmed facts show systemic violations of due process that are jeopardizing the lives of hundreds of people. We urge you to take immediate action to end these deplorable practices.

We would welcome the opportunity to meet with you about these matters. Please contact Gregory Chen, AILA Director of Advocacy, gchen@aila.org, 202/507-7615.

Sincerely,

National Organizations

Alianza Americas

Alliance for Citizenship

Alliance for Global Justice

America's Voice Education Fund

American Civil Liberties Union
American Immigration Council
American Immigration Lawyers Association
Amnesty International USA
Asian Pacific Institute on Gender-Based Violence
Asylum Seeker Advocacy Project (ASAP) at the Urban Justice Center
CASA
Center for Community Change
Center for Employment Training
Center for Gender & Refugee Studies
Church World Service
CODEPINK for Peace
Columbia Law School Immigrants' Rights Clinic
Council on American-Islamic Relations
Fair Immigration Reform Movement, FIRM
First Focus
Franciscan Action Network
Friends Committee on National Legislation
Grassroots Leadership
Holy Spirit Missionary Sisters, USA-JPIC
Immigrant Justice Corps
Immigrant Legal Resource Center
Jesuit Refugee Service/USA
Just Foreign Policy
Kids in Need of Defense, KIND
Latin America Working Group
Latino Commission on AIDS
Leadership Conference of Women Religious
League of United Latin American Citizens
Legal Aid Society - Employment Law Center
Lutheran Immigration and Refugee Service
Mennonite Central Committee U.S. Washington Office
NAFSA: Association of International Educators
National Alliance to End Sexual Violence

National Center for Lesbian Rights
National Domestic Violence Hotline
National Immigrant Justice Center
National Immigration Forum
National Immigration Law Center
National Justice For Our Neighbors
National Korean American Services and Educational Consortium, NAKASEC
National Latina Institute for Reproductive Health
National Network to End Domestic Violence
National Partnership for New Americans, NPNA
Office of Social Justice, Christian Reformed Church in North America
One America, Washington
Other Worlds
Refugee and Immigrant Center for Education and Legal Services, RAICES
Salvadoran American National Network
Sinsinawa Dominican Sisters
Southern Border Communities Coalition
The Southern Poverty Law Center
Tahirih Justice Center
U.S. Committee for Refugees and Immigrants
Unitarian Universalist Service Committee
United We Dream
Washington Office on Latin America
We Belong Together
Women's Refugee Commission

Local or Regional Organizations

Arizona Coalition for Immigrant Survivors
Arizona Coalition to End Sexual and Domestic Violence
Arkansas United Community Coalition, AUCC
Asian Americans Advancing Justice-LA
Asian Law Alliance
Austin Jewish Voice for Peace
Beacon Presbyterian Fellowship, Oakland California
Better Together NYC

California Pan-Ethnic Health Network
California Partnership to End Domestic Violence
Capital Area Immigrants' Rights Coalition
CAUSA Oregon
Central American Resource Center-LA
Coalition for Humane Immigrant Rights of Los Angeles, CHIRLA
Colorado Coalition Against Domestic Violence
Colorado Immigrant Rights Coalition
Community Legal Services in East Palo Alto
Community Refugee & Immigration Services
Connecticut Coalition Against Domestic Violence
Delaware Coalition Against Domestic Violence
End Domestic Abuse WI: The Wisconsin Coalition Against Domestic Violence
First Christian Church (Disciples of Christ), Tucson, AZ
Florida Coastal Immigrant and Human Rights Clinic
Florida Immigrant Coalition
Greater Birmingham Ministries
Guam Coalition Against Sexual Assault & Family Violence
Human Rights Observation Honduras
Idaho Coalition Against Sexual & Domestic Violence
Illinois Coalition Against Domestic Violence
Illinois Coalition for Immigrant and Refugee Rights
Immigrant Defenders Law Center
Immigrant Legal Center of Boulder County
Immigration Center for Women and Children
Inland Empire - Immigrant Youth Coalition, IEIYC
Interfaith Movement for Immigrant Justice - IMIrJ
Iowa Coalition Against Domestic Violence
Jane Doe Inc., The MA Coalition Against Sexual and Domestic Violence
Kansas Coalition Against Sexual and Domestic Violence
Kentucky Coalition Against Domestic Violence
Kino Border Initiative
Latin American Coalition, North Carolina
Latino Coalition for a Healthy California

Long Beach Immigrant Rights Coalition
Lorain Ohio Immigrant Rights Association
Lowcountry Immigration Coalition
Make The Road New York
Massachusetts Immigrant and Refugee Advocacy Coalition
Michigan Coalition to End Domestic & Sexual Violence
Michigan United
Ministerio Nueva Creación
Missouri Coalition Against Domestic and Sexual Violence
Montana Coalition Against Domestic and Sexual Violence
Nebraska Coalition to End Sexual and Domestic Violence
New Orleans Workers' Center for Racial Justice
New Sanctuary Movement of Philadelphia
New York Immigration Coalition, NYIC
New York State Interfaith Network for Immigration Reform
NJ Coalition to End Domestic Violence
North Carolina Coalition Against Domestic Violence
North County Immigration Task Force
Northside Community Resources
Northwest Immigrant Rights Project
Ohio Domestic Violence Network
Pangea Legal Services
Pennsylvania Coalition Against Domestic Violence
Pennsylvania Immigration and Citizenship Coalition, PICC
Pennsylvania Immigration Resource Center, PIRC
Pilgrim United Church of Christ
Pineros y Campesinos Unidos del Noroeste, PCUN
Progressive Leadership Alliance of Nevada, PLAN
Promise Arizona
Public Counsel
Reformed Church of Highland Park
Ridge Road United Church of Christ, Parma, Ohio
Sacred Heart Community Service
Saint Andrews Presbyterian

Services, Immigrant Rights, and Education Network (SIREN)
Sisters of Mercy South Central Community
Sisters of the Most Precious Blood of O'Fallon, MO Gospel Justice Committee
Social Action Council, First UU Church of Austin
Somos Mayfair
South Florida Interfaith Worker Justice
Street Level Health Project
Tennessee Immigrant and Refugee Rights Coalition, TIRRC
The Good Shepherd United Church of Christ
TODEC Legal Center
University Lutheran Chapel of Berkeley
University of Maryland Carey Immigration Clinic
Vermont Network Against Domestic and Sexual Violence
Virginia Sexual and Domestic Violence Action Alliance
Voces de la Frontera, Wisconsin
Washington Defender Association's Immigration Project
Wellspring United Church of Christ