May 31, 2017

Re: Arbitrary, prolonged, and indiscriminate detention of asylum seekers

Dear Director Homan and Ms. Trickler-McNulty,

In recent months, Community Initiatives for Visiting Immigrants in Confinement (CIVIC) has witnessed a sharp rise in the use of arbitrary and capricious denials of bond and parole for vulnerable asylum seekers in detention. This confirms a larger trend that advocates and attorneys have been witnessing across the country toward closing the traditional space for parole and refusing to issue bonds, even after asylum seekers have passed their credible fear interviews.

We, the undersigned 207 organizations and individuals, have documented 805 cases at 37 immigration detention facilities of individuals who have been arbitrarily denied parole or bond since January 20, 2017. Arbitrary detention of asylum seekers is a plain violation of the letter and spirit of international law concerning the rights of refugees; it must be ended now.

Regrettably, the use of prolonged detention to deter asylum seekers has been a feature of both the Obama and Trump administrations; however, there has been an increase in the practice of unaccountable parole and bond denials since the signing of the Jan. 25 Executive Order, “Border Security and Immigration Enforcement Improvements” and the subsequent Implementation Memo by the Department of Homeland Security (DHS), released Feb. 20, 2017. Although the Memo claimed that asylum seekers would remain eligible for parole, our experience has confirmed that there has been an increase in parole and bond denials as part of the Trump administration’s enforcement strategy. Both documents have had a chilling effect on the use of parole, including by narrowly delineating the circumstances under which it may be considered, demanding an end to so-called “catch and release,” and proposing increasingly exotic and inhumane schemes for long-term detention, including push-backs to Mexico of third-country nationals awaiting removal proceedings.

Moreover, the experience of advocates and attorneys working at the border suggests that ICE officers are denying parole and bond on a regular basis even under the limited conditions outlined by ICE and national leadership. A February 2017 report by the Borderland Immigration Council notes that “ICE routinely elects to deny parole for even the most urgent, humanitarian and exceedingly reasonable requests.” Human Rights First reports that “ICE officers have in many cases failed to follow the official ICE parole directive, applied the parole criteria inconsistently, or failed to release asylum seekers [...] even when they present evidence that they satisfy the parole criteria.” Both organizations
I spoke to individuals who had been denied parole even though this resulted in family separation, including severing parents from young children for long periods.

We, the undersigned individuals and organizations, have encountered similar instances working with detained asylum seekers across the country. ICE Field Offices have verbally told attorneys that their clients, who have passed their credible fear interviews, have been denied parole because they could not show urgent humanitarian reasons or a significant public benefit that would be derived from parole. In at least one case, attorneys and advocates learned that deportation officers brought large groups of Haitians together, who had been previously granted ICE bonds, and announced to them as a group that their ICE bonds were being revoked. No individualized reasons were given for this blanket revocation.

We demand an immediate end to the arbitrary, prolonged, and indiscriminate detention of asylum seekers. Denying parole or bond to families and individuals who are simply exercising their right to seek protection under international law and who in many cases have urgent humanitarian needs, including the right to family unity, is a gross injustice. The practice tears apart families and communities, and it has devastating impacts on an already traumatized population. Current trends toward restricting parole and bond must be immediately reversed if the United States is to live up to its moral and legal obligations to those most at risk.

Sincerely,

Christina M. Fialho
Co-Founder/Executive Director
Community Initiatives for Visiting Immigrants in Confinement (CIVIC)
E: CFialho@endisolation.org
www.endisolation.org

On behalf of 115 organizations, 23 legal representatives, and 69 faith leaders and other advocates:

Acting in Community Together in Organizing Northern Nevada (ACTIONN)
Adjunct Justice
Alianza
American Gateways
Americans for Immigrant Justice
Asian Americans Advancing Justice - Asian Law Caucus
Asian Law Alliance
ASISTA
Asylee Women Enterprise
Baker Interfaith Friends
Better Together NYC
Brooklyn Defender Services
UC Hastings Center for Gender and Refugee Studies
Chicago Religious Leadership Network on Latin America - CRLN
Church of Our Saviour/La Iglesia de Nuestro Salvador
Cleveland Jobs with Justice
Coalition for Humane Immigrant Rights (CHIRLA)
Colorado Immigrant Rights Coalition
Committee in Solidarity with the People of El Salvador
Community Initiatives for Visiting Immigrants in Confinement (CIVIC)
Cornell Asylum/CAT Appeals Clinic
Cornell Law School Asylum and Convention Against Torture Appellate Clinic
Des Moines Faith Committee for Peace
Detention Watch Network
Dolores Street Community Services
Dominican Sisters ~ Grand Rapids
End Domestic Abuse WI
Faithful Friends-Amigos Fieles
Feldman Feldman & Associates, PC
First Congregational UCC - Portland
First Friends of New Jersey and New York
Franciscans for Justice
Friends of Broward Detainees
Friends of Miami-Dade Detainees
Fuerza Mundial
Gethsemane Lutheran Church
Grassroots Leadership
Greater Rochester Coalition for Immigration Justice
Hispanic Interest Coalition of Alabama
Holy Spirit Missionary Sisters - USA - JPIC
Human Right Initiative of North Texas
Illinois Coalition for Immigrant and Refugee Rights
Immigrant Allies of Marshalltown
Immigrant Defenders Law Center
Immigration Center Of San Bernardino
Immigration Equality
Inland Coalition for Immigrant Justice
Inland Empire Immigrant Youth Collective (IEIYC)
Inter-Faith Coalition On Immigration, MN
Inter-Faith Committee on Latin America (IFCLA)
International Rescue Committee
InterReligious Task Force on Central America and Colombia (IRTF)
Iowa Unitarian Universalist Witness/Advocacy Network
JPIC Committee of the Sisters of St. Francis of Philadelphia
Just Foreign Policy
Justice for Our Neighbors Southeastern Michigan
Justice Strategies
Kids for College
Kino Border Initiative
Kitsap Immigrant Assistance Center
Korean Resource Center
KWESI
Lafayette Urban Ministry Immigration Clinic
Las Cruces CIVIC Visitation Program
Latin American Legal Defense and Education Fund
Law Office of Cheri Attix
Law Office of Emily Wietzel
Law Office of Fabiola A Navarro
Law Office of Nadia Galash
Law Office of Paula Joachin
Law Office of Serena Salinas
Law Offices of Ed Perez, Esq.
Law Offices of John J Kang
Legal Services for Children
Litigare Trial Consulting
Los Angeles Center for Law and Justice
Massachusetts Immigrant and Refugee Advocacy Coalition
Medford First Church of the Nazarene
Migrant and Immigrant Community Action Project
Migrant Rights Collective
National Center for Transgender Equality
National Immigrant Justice Center
National Immigration Law Center
NETWORK Lobby for Catholic Social Justice
NH Conference UCC Immigration Working Group
Northern Illinois Justice for Our Neighbors
Northern Valley Catholic Social Service
Orange County Communities Organized for Responsible Development (OCCORD)
OutFront Minnesota
Pangea Legal Services
Pennsylvania Immigration and Citizenship Coalition
Peoples Action Institute
Ponce Law Firm, P.C.
Pueblo Sin Fronteras
Queer Detainee Empowerment Project (QDEP)
Redwood Justice Fund
Reformed Church of Highland Park
Refugio del Rio Grande
Rural and Migrant Ministry
Santa Fe Dreamers Project
Sauti Yetu Center for African Women and Families
Sisters of Charity of New York
Social Justice Council, Mt. Diablo Unitarian Universalist Church
Southeast Asia Resource Action Center (SEARAC)
Southern Poverty Law Center, Southeast Immigrant Freedom Initiative
The Florence Immigrant and Refugee Rights Project
The Garden, A Lutheran Ministry
UC Davis Immigration Law Clinic
Unitarian Universalist Association
Unitarian Universalist Legislative Ministry of New Jersey
Unitarian Universalist Service Committee
Unitarian Universalists for Social Justice (UUSJ)
VietLead
Wayne Action for Racial Equality
Wilco Justice Alliance (Williamson County, TX)

*Attorney and DOJ Representatives:*

Anayancy Housman
Brian Kenneth Johnson
Denise Gilman
Edith Coates
Eldaah Arango
Elissa Steglich
Fred Korkosz
Gabriel Urias
Hannah Cartwright
Helen Ramirez
Juliana Zhu
Julius Jaboro
Lisa Kasdan
Nerea Woods
Paula Gonzalez
Reza Athari
Sally Steinberg
Siana Mclean
Tamara Shehadeh-Cope
Galya Ben-Arieh Ruffer
Lindsay M. Harris
Beverly Huff
Fikile Ryder

*Faith Leaders, University Professors, & Other Advocates:*

Alex Mensing
Alison Rice
Andrés Pacheco
Angela Shannon
Anne Nash
Barbara Leighton
Barbara Pampalone
Barbara Woshinsky
Bia Vieira
Br. Michael Gosch, CSV
Carmela Trujillo
Colin Hill
Dawn Michelle Usher
Deborah A. Boehm
Derrick Exner
Dina Mansour
Dr. Mary Watkins
Dr. N. Ordover
Dr. Paul Murray
Elaine J. Cohen
Elaine Walker
Elizabeth Guthrie
Erik Schnabel
Felicity Figueroa
Frances Geteles
Gladys Rivera-Martinez
James Thomas
Joan Cuadra
Joel Parra
Judith Goldberger
Judy Goldstock
Karen Skold
Karina Livingston
Kristina Schlabach
Laura Simocko
Lena Robison
Leslie Zondervan-Droz
Linda Quintana
Linda Theophilus
Lizette Ceja
Lorna Henkel
Maria Thomson
Mary Kelly
Michael Strauss
Mike Sinkov
Mirian Meux
Nancy Farrell
Nancy O'Byrne
Nancy S. Young
Nikki Endsley
Nora Hamilton
Peggy Mustelier
Rachel Settlage
Raysa Ortiz
Regina Langhout
Rev. Toni Stuart
Richard Dawson
Rita Carter
Robert Lane
Ruben G. Rumbaut
Sarah Forman
Saskia Fabricant
Sonia Duffoo
Suzanne Darweesh
Suzanne Llewellyn
Talia Mills
Timothy Garland
Victoria Smith
Yvonne Marlier

CC:
Nicole Boehner, United Nations High Commissioner for Refugees

Claire McCaskill, U.S. Senate Homeland Security & Governmental Affair

Zoe Lofgren, U.S. House Judiciary Committee, Subcommittee on Immigration & Border Security