

May 16, 2014

The Honorable Jeh Johnson
Secretary of Homeland Security
Washington, DC 20528

Re: ICE Holds and DHS Enforcement Review

Dear Secretary Johnson,

We, the undersigned, write to ask that you take swift action, using your existing legal authority, to end Immigration and Customs Enforcement's (ICE) use of ICE holds to enlist local police as so-called "force multipliers"¹ that amplify enforcement of unjust immigration laws. As you are no doubt aware, states and localities around the country have recently taken action to ameliorate the harm caused by ICE holds. As part of your current review of deportation policy, we call on you to immediately halt the use of these holds, which are causing widespread constitutional violations, fueling unprecedented levels of deportations, abetting racial profiling, and undermining public safety. Any "humane" immigration enforcement regime must eliminate them entirely.

ICE holds are tools of an indefensibly bad policy. As a key component of ICE's thoroughly discredited and dangerous "Secure Communities" deportation program, ICE holds have fueled dragnet-style enforcement and record-breaking deportation levels, and undermined public safety instead of upholding it.² Furthermore, ICE's reliance on local police and jails to target individuals for deportation—even if they are never charged or convicted of a crime—has turned the federal government into an accomplice to racial profiling at the local level.

ICE holds also violate fundamental constitutional rights. Last month, a district court in Oregon found that the Clackamas County Sheriff's decision to hold an individual solely on the basis of an ICE hold violated her Fourth Amendment rights.³ This individual was only one of well over one million people who have been subject to ICE holds over the past five years.⁴ In issuing these holds, ICE is causing unconstitutional detentions on a massive scale.

¹ Janet Napolitano, Press Release, November 12, 2009, <http://www.ice.gov/news/releases/0911/091112washington.htm>.

² See Nik Theodore, "Insecure Communities: Latino Perceptions of Police Involvement in Immigration Enforcement" (May 2013), http://www.uic.edu/cuppa/gci/documents/1213/Insecure_Communities_Report_FINAL.pdf.

³ *Maria Miranda-Olivares v. Clackamas County*, No. 3:12-cv-02317-ST. Several other federal courts have recently held that localities may be held liable for violating a detainee's constitutional rights when purporting to comply with an ICE hold. See *Morales v. Chadbourne*, 2014 WL 554478 (D.R.I. Feb. 12, 2014); *Galarza v. Szalczyk*, 2014 WL 815127 (3d Cir. Mar. 4, 2014).

⁴ See Transactional Records Clearinghouse, "Who are the Targets of ICE Detainers?" February 20, 2103, <http://trac.syr.edu/immigration/reports/310/> (ICE issued nearly one million detainers from FY 2008 to start of FY 2012) and "Targeting of ICE Detainers Varies Widely by State and by Facility," February 11, 2014,

In response to the dangers associated with ICE holds, dozens of cities, counties, and states have either sharply limited or completely banned submission to ICE holds. These local policies are a strong repudiation of the broken and unjust status quo. By continuing to issue these holds despite widespread evidence that they are violating fundamental constitutional rights and interfering with law enforcement efforts to protect public safety, ICE is sending a message that it prioritizes its deportation quota above all else.

If your department is sincerely committed to conducting immigration enforcement in a more humane manner consistent with national values, this is the place to start: end the practice of issuing ICE holds.

If you have any questions or comments, you can reach Salvador Sarmiento of NDLO at sgsarmiento@ndlon.org.

Sincerely,

National Day Laborer Organizing Network (NDLON)
United We Dream (UWD)
Detention Watch Network (DWN)
National Immigration Project, National Lawyers Guild
Forks Human Rights Group
Boston New Sanctuary Movement, PA
Minnesota Immigrant Rights Action Committee, MN
Immigrant Legal Resource Center (ILRC)
Community to Community Development
National Center for Transgender Equality
Inter-faith Coalition on Immigration, MN
Carecen, Northern California, CA
WeCount!, FL
Grassroots Leadership
Illinois Coalition for Immigrant and Refugee Rights, IL
Latino Advocacy WA and Community to Community, Bellingham WA
Harvard Immigration Project, Harvard Law School, MA (HIPS)
Latino Education & Training Institute, WA
Austin Immigrant Rights Coalition, TX
OneAmerica
Washington Defender Association's Immigration Project, Seattle, WA
New Orleans Workers Center for Racial Justice/Congreso de Jornaleros, LA
Latino Civic Alliance, WA
California Immigrant Youth Justice Alliance (CIYJA)
Unidad Latina en Accion, CT
Juntos, PA
Texas Civil Rights Project
The Advocates for Human Rights

<http://trac.syr.edu/immigration/reports/343/> (ICE placed detainers on approximately a half million individuals in 2012 and 2013).

Justice Strategies

Social Justice Council of the Unitarian Universalist Church at Meriden

Bishop Ann M. Svehnungsen, Minneapolis Area Synod, Evangelical Lutheran Church in America, MN

Bishop Peter Rogness, St. Paul Area Synod, Evangelical Lutheran Church in America, MN

Bishop Lawrence R. Wohlrabe, Northwestern Minnesota Synod, Evangelical Lutheran Church in America

Bishop Thomas M. Aitken, Northeastern Minnesota Synod, Evangelical Lutheran Church in America

Rev. Bishop Steven (Steve) Delzer, Southeastern Minnesota, Evangelical Lutheran Church in America

Pr Bishop Jon Anderson Southwestern Minnesota, Evangelical Lutheran Church in America

Tamela K. Walhof, Director, Lutheran Coalition for Public Policy in Minnesota

Transgender Law Center

Neighborhood Defender Service of Harlem, NY

National Latina Institute for Reproductive Health

San Diego Staff Organization, CA

Ohio Interfaith Immigration Coalition, OH

American Friends Service Committee (AFSC)

Families for Freedom

National Immigration Law Center (NILC)

Jewish Community Relations Council of Greater New Haven, CT

Alliance of Baptists

Latin America/Caribbean Committee of the Loretto Community

Chicago New Sanctuary Coalition, IL

Chicago Religious Leadership Network on Latin America, IL

Brooklyn for Peace, NY

Inland Empire Immigrant Youth Coalition, CA

Southeast Asia Resource Action Center (SEARAC)

School of Americas Watch, Los Angeles, CA

Arizona Dream Act Coalition, AZ (ADAC)

Immigrant Defense Project, NY

Society of Sacred Heart

Sisters of Saint Francis

Physicians for Social Responsibility, WA

UUMassAction, MA

Centro Presente, MA

West Valley Neighborhoods Coalition, AZ

Workers Center, VT

Clergy and Laity United for Economic Justice- Los Angeles, CA

Council of Churches, Pennsylvania

Joint Immigration Venture

St. Raphael Parish Social Ministry

Advancing Justice - Asian Law Caucus

Fords for Immigrant Justice

USW 7600

Academics for Justice, St. Petersburgs College

Contra Costa Interfaith Supporting Community Organization, CA

Santa Ana Professional Services, CA

99 Unite Civic Forum of Portland, OR

Mayflower UCC ISAIAH

Franciscan Action Network

Interfaith Movement for Immigrant Justice in Portland, OR
United Methodist Church General Board of Church and Society
Holy Spirit Missionary Sisters, IL
ACLU, MN
Greater Birmingham Ministries, AL
Immigration Action Team, Live Oak Unitarian Universalist Church
Disciples Justice Action Network
Christian Church (Disciples of Christ)
Lowcountry Immigration Coalition, SC
United Church of Christ, Justice and Witness Ministries
Jobs With Justice, DC
CISPES
Jobs With Justice National
Greater Texas LULAC Council 22202, TX
Immigration Equality
Episcopal Network for Economic Justice
Alianza Mexicana of Houston, TX
Salvadoran American National Network
Clergy and Laity United for Economic Justice, CA
Immigration and Asylum Advocates
Colorado Immigrant Rights Coalition, CO
Justice for Our Neighbors, Northern IL
La Union del Pueblo Entero (LUPE)
American Gateways
Provincial Council of the Clerics of St. Viator (Viatorians), Arlington Heights, IL
Sisters and Brothers of Immigrants, Chicago, IL
NE Philly for Peace & Justice, PA
Clean Carwash Campaign
Church World Service
National Council of Jewish Women
CWA 7214, MN
American Civil Liberties Union (ACLU)
Florida Coastal School of Law, Immigrant & Human Rights Clinic, FL
Jesuit Social Research Institute / Loyola University of New Orleans, LA
Colorado Criminal Justice Reform Coalition, CO
Black Alliance for Just Immigration
ACLU, CO
Unitarian Universalist Voices for Justice, WA
Immigrant Law Center of Minnesota, MN
Americans for Immigrant Justice
Justice Not Jails, Olympia Unitarian Universalist Congregation, WA
Casa Latina, WA
Northern Manhattan Coalition for Immigrant Rights, NY
Washington Dream Act Coalition, WA
Reforme Church of Highland Park, NJ
National Immigrant Justice Center
Immigrant Rights Alliance (CIRA), CT
Students for a DREAM, CT
Immigration Task Force, Annual Conference, United Methodist Church, NY

Immigration Rights Task Force of the Unitarian Society of New Haven, New Haven, CT
Unidad Latina en Accion, New Haven, CT
Junta for Progressive Action, New Haven, CT
New Haven Peoples Center, New Haven, CT
Amistad Catholic Worker, New Haven, CT
International Institute of Connecticut, Bridgeport, CT
Bill of Rights Defense Committee (BORDC), Northampton, MA
Orange County May Day Coalition, CA
Milwaukee New Sanctuary Movement, WI
Voces de la Frontera
Southerners On New Ground (SONG)
Jobs With Justice, MA
Mujeres Unidas y Activas, CA
Philadelphia New Sanctuary Movement, PA
Center for Popular Democracy
Coalicion de Residentes e Inmigrantes Solidarios (CRISOL), Stamford, CT
Alcanzando El Mismo Sueño/Embracing the Same Dream, Willimantic, CT
Apostle Immigrant Services, New Haven, CT
Just Communities, MA
WA New Sanctuary Movement
Milwaukee Interfaith Congregations Allied for Hope (MICAHA), WI
Migrant Power Alliance
Alabama Coalition for Immigrant Rights (ACIJ), AL
California Immigrant Policy Center (CIPC)
Tennessee Immigrant & Refugee Rights Coalition, TN
Lawyers Committee for Civil Rights, San Francisco, CA