

Office of the Director

U.S. Department of Homeland Security
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U.S. Immigration and Customs Enforcement

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Multiple reports and calls from public health experts are clear: the only responsible public health response is to release people from detention, not increase detention space.

"Lost beds" do not need to be replaced and are instead a chance to reduce detention. The administration has admitted that there is an over-reliance on immigration detention, yet ICE just opened Moshannon, the largest immigration detention center in the Northeast.

Dear Ms. Shah:

Thank you for your October 8, 2021, letter to the Department of Homeland Security (DHS). Secretary Mayorkas asked that I respond on his behalf.

U.S. Immigration and Customs Enforcement (ICE) has been looking at facilities across the country to determine suitability for housing the surge of noncitizens and to replace beds lost as a result of contract terminations, court orders, and COVID-19 pandemic-related limitations. ICE has conducted preliminary inspections and requested proposals for several recently vacated Federal Bureau of Prisons (BOP) and United States Marshals Service (USMS) contract facilities. On September 29, 2021, ICE awarded an Intragovernmental Service Agreement (IGSA) to Clearfield County, Pennsylvania, for the Moshannon Valley facility in Philipsburg, Pennsylvania, which is a recently vacated BOP contract facility. The Moshannon Valley facility houses single adult detailed noncitizens and became operational on November 4, 2021.

President Biden promised to end federal for-profit detention yet ICE is pursuing contracts for private facilities that should be shuttering under the private prison executive order.

Additionally, ICE modified the IGSA with Berks County, Pennsylvania, on September 28, 2021, and the Berks facility will now be used to detain single adult females. As part of routine operational strategic planning, ICE continually assesses bedspace needs to safely and securely house detained noncitizens, ICE considers migration trends at the border along with facilities. Discussions with detention partners are an important part of ICE's public safety mission and occur on a regular ongoing basis.

ICE does not "safely" "house" people. Detention is not housing and decades of documentation show that ICE detention is harmful, abusive, and even deadly.

For former BOP and USMS contract facilities, should an IGSA or contract be awarded, ICE is requiring compliance with Performance-Based National Detention Standard 2011 (revised 2016). Additionally, we have added requirements for virtual attorney visitation, transgender care requirements, and use of the ICE telephone system contractor for detained noncitizens. The IGSA also requires that the contractor prepare and submit a detention modernization plan that takes into consideration the detained population. The plan will provide unique and innovative solutions in areas such as contact visitation, legal access, freedom of movement, recreation, access to medical care, disciplinary practices, and use of force. Other

ICE only has conversations with advocates after decisions have been made to open new facilities without regard to community input.

Trends at the border do not require additional bed space. The Biden administration can safely allow access at the border without the use of detention.

FREE THEM ALL!

The only unique and innovative solutions we want are to shut down detention centers, defund ICE, and to free all people from detention.

www.ice.gov

Over and over again, detention standards and inspections have failed to ensure the safety and well-being of people in detention. Despite the existence of these standards, reports of abuse and negligence in ICE detention are well-documented, constant and repeating occurrences.

Multiple studies have shown that detention is not necessary to ensure appearance.

Silky Shah
Page 2

areas of focus include electronic logbooks for security checks, use of segregation, multi-disciplinary after-action reviews, enhanced use of electronic media for health services scheduling, filing of grievances, informational programming, and enhanced emergency response training that integrates medical and security personnel.

Please bear in mind that ICE detains noncitizens to secure their presence for immigration proceedings and removal from the United States when there is a flight or public safety risk that cannot be mitigated or when required by law; it is not a punitive measure. Additionally, ICE is revising its current detention posture to allow for broader repurposing of the physical facilities to better meet operational needs. Many noncitizens qualify for the Alternatives to Detention (ATD) program. ATD use has expanded from over 97,000 participants in fiscal year 2021 to over 136,000 in October 2021, a 40% increase in the number of participants. ATD uses technology to monitor participants enrolled in the program. In fiscal year 2021, over 99% of ATD participants attended their immigration court hearings.

Thank you again for your letter. Please share this response with the cosigners listed in your organization's letter. Should you, or they, wish to discuss this matter further please do not hesitate to contact ICE Office of Partnership and Engagement at iceope@ice.dhs.gov.

Sincerely,



Tae D. Johnson
Acting Director

ICE detention is absolutely punitive, designed to strip people of their dignity and restrict freedom of movement.

ICE's ATD program is harmful and punitive, restricting freedom of movement and surveilling people. It is another form of detention.

The number of people in ICE's "alternative" programming has not reduced the number of people detained. Instead the number of people enrolled in these programs has risen exponentially alongside the number of people in detention.