

National Organization for Women



October 6, 2019

Secretary Alex Azar
Department of Health and Human Services
200 Independent Ave, SW
Washington, D.C. 20201

Acting Secretary Kevin K. McAleenan
U.S. Department of Homeland Security
Nebraska Avenue Center, NW
Washington, D.C. 20528

Acting Director Matt Albence
U.S. Immigration and Customs Enforcement
500 12th St., SW
Washington, D.C. 20536

Acting Commissioner Mark A. Morgan
U.S. Customs and Border Protection
801 9th St, NW
Washington, D.C. 20001

Director
Office of Refugees and Resettlement
Administration for Children and Families
U.S. Department of Health and Human Services
Room 5123
330 S St. SW
Washington, DC. 20201

Dear Secretary Azar, Acting Secretary McAleenan, Acting Director Albence, Acting Commissioner Mark A. Morgan, and Director of Office of Refugee Resettlement,

As the National Organization for Women (NOW), the oldest and largest feminist grassroots organization with hundreds of chapters in every state and the District of Columbia, we are appalled by the government's treatment of women and families in detention facilities across the nation. The purposeful maltreatment of tens of thousands of persons fleeing violence and hunger in their homelands is a national disgrace. Our image as a welcoming and lawful nation that respects international norms for treatment of migrants and refugees has suffered greatly in the eyes of the rest of the world. The separation of children from their parents has inflicted inexcusable trauma on thousands.

Today NOW is protesting, along with dozens of allied organizations and activists near the Otay Mesa Detention Center conditions in that and other such facilities. Just last week a 37-year-old detainee died suspiciously and sexual assault complaints have increased by 158 percent in the past year!

We know that Women and girls are especially at risk. Reports of sexual assault and harassment, lack of proper reproductive health care, nutrition and feminine hygiene resources, failure to provide adequate space and comfort in cold facilities, are just a few of the cruel and inhumane conditions that migrants face. There is also the very serious concern that women and girls fleeing domestic violence, gang violence and sexual assault are

not being permitted to apply for special consideration entering the U.S. as the Violence Against Women Act specifies.

The punishing conditions imposed by the Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) on immigrants at the southern border continue to threaten the health and lives of tens of thousands of vulnerable persons. Tragically, the death toll for persons in custody or held after being detained is now 28 adults over the past four years, according to the American Civil Liberties Union (ACLU), and at least seven children since early 2018, according to Human Rights Watch. Some of the deceased children were in the custody of Department of Health and Human Services, Office of Refugee Resettlement at the time of death. Lack of timely access to health care providers was most likely factor in the deaths of many of the deceased. Additionally, neglect of special medical concerns of LGBTQIA+ persons played a role in the two deaths of HIV positive transgender women in detention. The failure of agencies and their contractors to assure prompt access to medical and mental-health care for persons in custody is a national disgrace and must be rectified.

Not to be forgotten are 97 fatalities at the hands of CPB agents since 2004, including the murder of Claudia Gomez Gonzalez, according to the ACLU, an unarmed, indigenous 20-year-old woman who was shot and killed Border Patrol Agent in May 2018.

The Performance-Based National Detention Standards adopted in 2011 instructs Immigration and Customs Enforcement to maintain “a safe and secure detention environment for staff and detainees” that “ensures that detainees have access to appropriate and necessary medical, dental and mental health care, including emergency services”. Clearly these standards are being actively ignored; if Immigration and Customs Enforcement is not capable of upholding the basic needs of its detainees, it should release those most vulnerable to its failures.

Currently, 40,000 to 50,000 immigrants are in these prison-like detention centers around the country. In these detention centers there are children separated from their families, sleeping on the concrete floor inside extremely cold cages, without access to a shower or adequate food. Menstruating women and girls are being given limited access to menstrual hygiene products; when they bleed through these products, they have no choice but to wear their soiled underwear.

The New York Times recently reported on a processing center in El Paso, Tex., where 900 migrants were being held at a facility designed for 125. It is not surprising that these crowded and abusive conditions have resulted in the spread of sickness, as almost 900 immigrants were exposed to mumps while in immigration custody according to the CDC. At the immigrant detention center in Clint, Tex., there was a lice outbreak in one of the cells where there were about twenty-five children, and some of the children were given two combs and told to share those two lice combs. When one of the combs was lost, and Border Patrol agents got extremely angry and then took away the children’s blankets and mats. The conditions in detention centers are completely unacceptable and do not meet the requirements of hygienic and humanitarian standards.

Detention and family separation, even for short periods of time, have serious adverse consequences for mental well-being, particularly for those who have already suffered trauma. Most of the women and children interviewed by Human Rights Watch said they had fled their home countries after they were targeted for violence or other persecution, and many had faced abuse on their journey. Time in holding cells was “the most difficult and traumatic” period of detention for women and children apprehended by U.S. immigration authorities, a 2015 mental health assessment found.

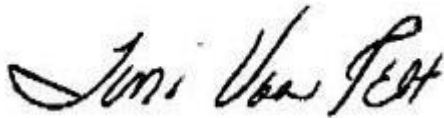
To address these serious concerns, holding cells should be used for very short periods of confinement only. As CBP itself states, these facilities are not designed for overnight stays, and a detention expert who examined these cells concluded that they were not appropriate for confinement of adults for more than 10 hours. Detention overnight in holding cells should accordingly be employed only when it is unavoidable, and never for children. Those who are held overnight should receive sleeping mats as well as blankets. Temperatures in holding cells should be set at reasonable and comfortable levels. Access to showers and hygiene materials, including soap, toothbrushes, and menstrual hygiene products, should be provided to those held overnight.

The federal government received more than 4,500 complaints in four years about the sexual abuse of immigrant children who were being held at taxpayer-funded detention facilities, including an increase in complaints while the Trump administration's policy of separating migrant families at the border was in place, the Justice Department revealed in February. In addition, there have been tens of thousands of sexual assault complaints filed with the federal government over the last decade, most were connected to ICE facilities and many involved privately-operated detention centers, as documented through with the National Detention Hotline. Only a fraction of the complaints was ever investigated, according to freedomforimmigrants.org

The baseline changes that are necessary to maintain the human rights and dignity of immigrants in detention centers are non-negotiable. Each immigrant must receive an initial health screening and then should be provided appropriate healthcare within a 12-hour period or six-hour period for priority individuals such as children, pregnant women, and people with disabilities. Each detention center must have access to interpreters, chaperones, and mental health treatment for its detainees when necessary. Without exception, every detainee must have access to drinking water, toilets, sanitation facilities, hygiene products, food and shelter, and be free from sexual abuse and violence.

The people fleeing to the U.S. are often doing so to escape situations of violence and poverty. Immigrant detention facilities are both exacerbating and creating issues for already struggling individuals. The United States must utilize fair and humane immigration processes which meet international principles of refugee protection, their own standards previously adopted by ICE and CBP, as well as basic standards of decency and compassion. The National Organization for Women and our many allies demand an expeditious end of the many failings of agencies charged with caring for immigrants and refugees and a renewed and strict adherence to international humanitarian and asylee standards.

Sincerely,

A handwritten signature in black ink that reads "Toni Van Pelt". The signature is written in a cursive, flowing style.

Toni Van Pelt, President
National Organization for Women