

Hon. Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Avenue, SE
Washington, DC 20528

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

December 9, 2021

RE: Request for urgent release of people in ICE custody in Illinois jails

Dear Secretary Mayorkas and Acting Director Johnson:

We write with regards to the pending phase-out of immigration detention in the state of Illinois, and to call for the urgent release of people still in U.S. Immigration and Customs Enforcement (ICE) custody in the state. All counties in Illinois are required to initiate the termination of their contracts with ICE by January 1, 2022; it is therefore imperative that your agencies begin the case reviews and process of releasing people in ICE detention in the Kankakee Jerome Combs Detention Center and McHenry County Jail.

The undersigned organizations welcome the decision by Illinois' elected officials to [end ICE detention](#) in the state. We urge you to respect the spirit and letter of this decision by releasing those who remain detained at the Kankakee and McHenry jails, rather than transferring to other detention facilities where they risk facing continued abuses farther away from legal representation and their families.

ICE must release people from detention, not transfer them to other facilities

As this administration [recognizes](#), "Prosecutorial discretion is an indispensable feature of any functioning legal system. The exercise of prosecutorial discretion, where appropriate, can preserve limited government resources, achieve just and fair outcomes in individual cases, and advance the Department's mission of administering and enforcing the immigration laws of the United States in a smart and sensible way that promotes public confidence."

The use of such discretion is particularly appropriate as DHS decides who should be detained and for how long. DHS may release an individual who is placed in formal removal proceedings on bond, on their own recognizance, or under an order of supervision pending the outcome of those proceedings. ICE has the [authority](#) to determine whether a person can be released, and can utilize a number of options when deciding to release an individual from detention, including: releasing them on their own recognizance; releasing on Orders of Supervision (OSUP); requiring monetary bail; or releasing an individual on parole.

Moreover, transfers are a frightening and dehumanizing experience with [deadly consequences](#) during the pandemic. Throughout the pandemic, ICE unnecessarily [transferred](#) people between facilities, creating new [outbreaks](#) inside jails and in surrounding communities. Transferring people from the Kankakee and McHenry jails to other ICE facilities would put countless other

detained individuals and surrounding communities [at risk](#) as highly transmissible new COVID variants continue to spread across the country.

Legal and social service providers at the ready for those released in Illinois

The individuals detained at Kankakee and McHenry should be given the opportunity to reside with their loved ones and communities while they continue their immigration court proceedings. A robust network of legal and social service providers throughout Illinois stand ready to support them in doing so.

The [Interfaith Community for Detained Immigrants](#) (ICDI) is a faith-based advocacy organization operating out of Chicago whose mission is to provide services and support to immigrants in detention and upon release. ICDI has committed to assisting any person detained at the McHenry or Kankakee jails who have no other resources in the form of community ties or support. ICDI's Chicago Immigrant Transit Assistance program operates out of the Chicago Greyhound bus station and regularly provides post-release support to those who are physically present at the Chicago Greyhound station.

The [Illinois Coalition for Immigrant and Refugee Rights](#) (ICIRR) works in partnership with the Illinois Department of Human Services and 60 partnering nonprofit organizations throughout the state to provide emergency assistance, language access services, case management, immigration legal services and referrals, and community education for immigrant households. In particular, ICIRR's Family Support Network engages volunteer teams to provide rapid response and referrals for immigrant families who are facing deportation-related circumstances.

The Illinois Access to Justice (A2J) program is funded by the Illinois Department of Human Services and co-convened by The [Resurrection Project](#) and [Westside Justice Center](#). Through a statewide network of 59 community-centered organizations, A2J provides immigrants with legal services, accompaniment services and referrals for wrap-around social services, including assistance with COVID-related matters.

Everyone in ICE detention in the Kankakee and McHenry jails should be permitted to live in the safety of their homes and communities while navigating their court proceedings. For people released who do need social services or case support, the aforementioned community-supported case management programs are available. Evidence-based [studies](#) consistently show that 90% of participants in such programs comply with obligations imposed by courts or agencies. Rigorous analysis of federal data has also [shown](#) that over 80% of non-detained immigrants with completed or pending removal cases attend their court hearings, and 96% attend when they have representation. Importantly, community-based alternatives offer a [framework](#) for migration processing that keeps families together and makes all our communities safer.

A history of abuse and lack of accountability in ICE detention

In August, our organizations welcomed the decision to stop holding people in ICE detention in the Pulaski County Detention Center, which had a history of [neglect](#) and [abusive](#) practices. We

eagerly await the termination of the Kankakee and McHenry contracts with ICE; county jails that are also marred with abuse and impunity.

Both the Kankakee and McHenry facilities have failed to comply even with ICE's least protective detention standards, especially when it comes to medical services. For example, in Kankakee, a 2019 [survey](#) found that detained individuals went months without running water. Grievance [forms](#) from 2021 show a lack of basic hygiene at the facility, and a 2020 inspection report shows that Kankakee was deficient in its suicide prevention program and related medical services. Chicago-area elected officials conducted a surprise visit to the facility in 2019, [finding](#) that individuals there "lack access to basic needs every human deserves regardless of citizenship."

There is also a long history of medical neglect and mistreatment in the McHenry County Jail. As COVID-19 was spreading in March 2020, people detained at the jail shared [testimony](#) that the jail failed to provide basic hygienic supplies in the facility. Prior to COVID-19, the jail's failure to adopt basic public health protections resulted in a mumps [outbreak](#) in September 2019. A month later, medical neglect led to the [death](#) of a man in the jail who suffered from a brain bleed related to alcohol withdrawal. In August 2020, the jail also failed its yearly [inspection](#), which recorded 12 deficiencies spanning a broad range of violations of key detention conditions standards.

Pattern of abuse and lack of accountability throughout the ICE detention system

The abuses experienced in Illinois jails are reflected throughout the ICE detention system. Therefore, it is vital that people are released from Kankakee and McHenry, and not transferred to other facilities where they will face similar abuses, which are repeated with impunity in the vast network of ICE detention centers. Many of the undersigned organizations that represent and work with individuals who have been detained by ICE in Illinois jails have documented a similar pattern of abuse in other facilities within the Chicago field office's Area of Responsibility including the jails in [Boone County](#), Kentucky and [Clay County](#), Indiana. Importantly, Clay failed its ICE [inspection](#) in May 2021 due to substandard conditions; another consecutive failed inspection will force ICE to end its contract with this jail.

The number of people who [died](#) in ICE custody in 2020 was more than double the prior year. Sexual [assault](#), racism and [anti-Blackness](#), violent [abuse](#), medical [neglect](#), unsanitary [conditions](#), and [lockdowns](#) are commonplace in ICE jails. The opaque web of corrupted [contracts](#) and [inspections](#) breed [impunity](#) for ICE and its contractors. Independent medical experts have found that approximately half of all deaths in ICE custody are attributable to [medical negligence](#). In the facilities where multiple deaths have occurred, egregious lapses in medical care and unconscionable delays in treatment [persist](#).

Conclusion: DHS must urgently release people in ICE detention in the Kankakee and McHenry jails and ensure people are not transferred to other facilities

DHS has the authority to immediately order the release from detention of every individual held in ICE custody at Kankakee and McHenry. The use of such discretion is particularly appropriate as local counties continue to end their detention agreements with ICE. It is imperative that people

currently in ICE custody are released from this facility, not transferred to other detention centers. A robust network of legal and social service providers throughout Illinois stand ready to support them in doing so.

We await a response and we look forward to working with you to provide guidance to ensure that the rights of people in detention are upheld. If you have any questions or would like to discuss, please direct any response or inquiries to: Heidi Altman, National Immigrant Justice Center, at haltman@heartlandalliance.org; Fred Tsao, Illinois Coalition for Immigrant and Refugee Rights, at ftsao@icirr.org; and Xanat Sobrevilla, Organized Communities Against Deportations, at xsobrevilla@ocadchi.org.

Sincerely,

Access Living

Advocate Visitors with Immigrants in Detention (AVID) in the Chihuahuan Desert

Alliance of Filipinos for Immigrant Rights and Empowerment (AFIRE Chicago)

Arab American Action Network (AAAN)

Asian Americans Advancing Justice | Chicago

Benedictine Sisters

Binational Institute of Human Development

Brighton Park Neighborhood Council

CAIR-Chicago

Centro de Trabajadores Unidos: United Workers Center

Chicago Metro LCLAA

Chicago Workers Collaborative

Coalition to Cancel the ICE Contract in McHenry County

Connect Kankakee

Detention Watch Network

Elgin Coalition for Immigrant Rights

Enlace Chicago

Erie Neighborhood House

Family Focus

FEDECFMI/Casa Michoacán

Free Them All Seattle

Freedom for Immigrants

Grassroots Leadership

Greater Lafayette Immigrant Allies

HANA Center

Hanul Family Alliance

Hispanic American Community Education & Services (HACES)

ICE Fuera de Austin

Illinois Coalition for Immigrant and Refugee Rights

Immigrant Action Alliance

Immigrant Legal Resource Center

Immigrant Welcome Center

Inter-Faith Committee on Latin America (IFCLA)
Interfaith Community for Detained Immigrants (ICDI)
Jewish Activists for Immigration Justice of Western Massachusetts.
Jewish Council on Urban Affairs
La Resistencia
Logan Square Neighborhood Association
Logan Square Neighborhood Association (LSNA)
Long Beach Immigrant Rights Coalition
Makom Solel Lakeside
Mano a Mano Family Resource Center
Mariposa Legal, program of COMMON Foundation
Maryland Against ICE Detention
Mujeres Latinas En Accion
National Immigrant Justice Center
National Immigration Project (NIPNLG)
National Network for Immigrant and Refugee Rights
New American Welcome Center at the University YMCA
NorCal Resist
Northern Alliance for Immigrants
Northern Illinois Justice For Our Neighbors
Organized Communities Against Deportations
Panyard Holton Immigration LLC
Planned Parenthood Illinois Action
Polish American Association
Public Defender Coalition for Immigrant Justice
Rural Organizing Project
Showing Up for Racial Justice (SURJ)
Shut Down Etowah
Southern Illinois Immigrant Rights Project
Southwest Organizing Project
Spanish Community Center
St. Nicholas Church, Elk Grove Village; Interfaith Community for Detained Immigrants (ICDI)
SyrianCommunityNetwork
The Immigration Project
U.S. Palestinian Community Network (USPCN)-Chicago chapter
Unitarian Universalist Advocacy Network of Illinois
United African Organization

CC:

Angela Kelley, Senior Counsel on Immigration, U.S. Department of Homeland Security
Timothy Perry, Chief of Staff, U.S. Department of Homeland Security