

United States Senate
WASHINGTON, DC 20510

December 18, 2019

The Honorable Chad F. Wolf
Acting Secretary
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Ave., SE
Washington, D.C. 20528

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

Dear Acting Secretary Wolf and Acting Director Albence:

We are writing to express concern regarding the termination of the National Immigration Detention Hotline, run by Freedom for Immigrants (formerly CIVIC)—a non-profit organization that provides support to individuals in immigration detention nationwide. We are concerned that the decision of U.S. Immigration and Customs Enforcement (ICE) to terminate Freedom for Immigrants' (FFI) pro bono telephone extension is a form of retaliation for the organization's public advocacy and it is representative of a broader pattern of retaliation against organizations working to support individuals impacted by immigration detention.

The National Immigration Detention Hotline was established in 2013 and available to people in U.S. immigration detention through an ICE pro bono telephone extension. FFI's national hotline allowed tens of thousands of detained individuals and their loved ones to report abuses and request support freely and confidentially. This resource is particularly crucial because it allows connection to vulnerable and isolated individuals, such as those detained in remote areas, without monetary means to make a phone call, in segregated housing units or solitary confinement, and individuals in need of a confidential and independent organization to support them.

In addition to the hotline, FFI convenes a network of nearly 4,500 volunteers who conduct visits to people in immigration detention operated by ICE across 69 detention facilities in the United States. FFI also runs an alternative to detention program that secures the release of people from immigration detention on bond and provides them with post-release support while the courts process their immigration case.

The termination of FFI's hotline began in August 2019, less than two weeks after the premiere of a popular television show, in which FFI's hotline was prominently featured and following significant media coverage of FFI's work to provide detained individuals with a free and confidential means of communication to advocates. The National Immigration Detention Hotline has remained nonoperational since August 7, 2019. Following the complete termination of FFI's

hotline, an ICE representative sent an August 15, 2019 email stating that groups who are not listed on the Department of Justice Executive Office for Immigrant Review (EOIR) list of approved service providers have been deleted. However, being listed as an approved service provider on the EOIR list was not previously a requirement for a civil society organization to operate a pro bono hotline.

On August 22, 2019, FFI sent a cease and desist letter to ICE and Talton Communications, the current ICE detainee telephone service provider.¹ In a press statement, ICE spokesman Brian Cox denied allegations that the hotline was terminated due to being featured in a television show, and provided yet another *new* explanation as to ICE's decision to terminate the hotline was because the organization had engaged in three-way calling and call-forwarding to third parties.² Notably, ICE did not provide FFI with any opportunity to respond to this allegation before shutting down the hotline.

This is not the first time that FFI has had their hotline restricted. In November 2018, ICE restricted the organization's hotline to eight facilities in Florida.³ FFI received conflicting justifications from representatives of ICE as to why the organization's hotline was initially limited and then terminated. A November 2018 email from ICE stated that the agency "completed an [sic] pro bono system audit, to assure [sic] that each facility is served by the pro bono numbers related to that system" so that "other facilities in the U.S. are limited to only calling authorized pro bono support services in their local area." FFI clarified that its hotline was provided to the organization with the understanding that it was a national line, as individuals in ICE custody are frequently transferred between facilities throughout the country. The organization did not receive any response to multiple requests to reinstate full access to its hotline.

We believe ICE's decision to restrict and then terminate FFI's pro bono hotline is indicative of a broader pattern of restricting access to non-profit organizations working to advocate for and provide support to individuals impacted by immigration detention. Most recently, the Etowah Visitation Project was again suspended on November 5, 2019, following a rally outside of Etowah County Detention Center to protest conditions inside the facility and call for its closure. In a statement justifying the decision to suspend the Etowah Visitation Project, the Etowah Sheriff's Office directly referenced the rally.⁴ While Etowah County officials reportedly decided to reinstate the program on December 16, 2019, the seemingly arbitrary manner in which the

¹ Fialho, Christina & Galaz, Cynthia, Notice to Cease & Desist for Blocking Freedom for Immigrants' ICE Pro Bono Telephone Extension from being accessed Nationwide (Aug. 22, 2019), https://static1.squarespace.com/static/5a33042eb078691c386e7bce/t/5d5ee9fac5f736000164e460/1566501374013/FFI_Letter.pdf.

² Flynn, Meagan, *'Orange Is the New Black' highlighted an immigrant hotline. Then ICE shut it down.*, WASH. POST (Aug. 26, 2019), <https://www.washingtonpost.com/nation/2019/08/26/oitnb-ice-immigrant-hotline/>.

³ Morrissey, Kate, *ICE moves to silence detention center volunteer visitors*, L.A. TIMES (Nov. 6, 2018) <https://www.latimes.com/local/lanow/la-me-ln-ice-detention-volunteer-visitors-20181106-story.html>.

⁴ Fialho, Christina & Galaz, Cynthia, Reinstatement of Etowah Visitation Project at Etowah County Detention Center After Unlawful Suspension (Dec. 2, 2019), https://static1.squarespace.com/static/5a33042eb078691c386e7bce/t/5de519efb93cc92d39dc139b/1575295472347/FFI_EVP_UnlawfulTerminationLetter2019.pdf.

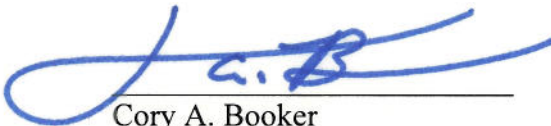
visitation program was shutdown is still troubling, and groups like these remain vulnerable to retaliation.

We are concerned about these apparent acts of retaliation against FFI, its affiliates, and other civil society organizations providing support to, and advocating for, individuals impacted by immigration detention. In an effort to better understand ICE's decision making process we request answers to the following questions no later than January 10, 2020:

1. ICE representatives have stated multiple, conflicting justifications for the decision to terminate FFI's hotline in August 2019. Please clarify why ICE terminated the hotline.
2. What recourse do organizations who have been granted pro bono hotlines and then have them restricted or terminated have to challenge or apply to be reinstated? What office is responsible for making this determination?
3. What is the status of the Etowah Visitation Program? What was the justification for its suspension?
4. Individuals in ICE custody are transferred frequently between facilities, making access to a national—as opposed to geographically-specific—hotline crucial to transparency and access to outside groups. What is ICE's policy on the geographic scope of its pro bono hotlines?
5. Which pro bono hotlines are currently available to those impacted by immigration detention? Please provide a list of all organizations that have been granted pro bono hotlines by ICE, as well as a list of all organizations that been granted pro bono hotlines by ICE that are currently operational. Please detail why any organization formerly granted a pro bono hotline has had their status changed.

Thank you for your prompt attention to this matter and we look forward to your response.

Sincerely,



Cory A. Booker
United States Senator



Richard Blumenthal
United States Senator



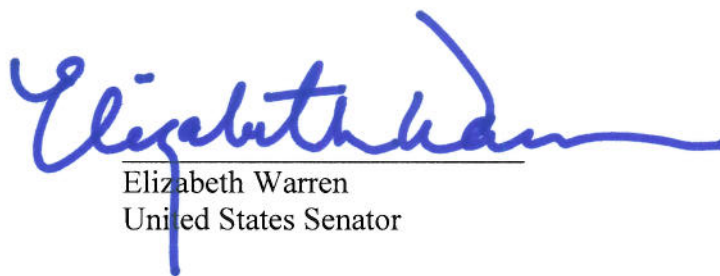
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