

Congress of the United States
Washington, DC 20515

July 20, 2018

Acting Director Ronald D. Vitiello
U.S. Immigration and Customs Enforcement
Department of Homeland Security
500 12th Street, SW
Washington, D.C. 20536

Dear Acting Director Vitiello:

We write to express our deep concerns regarding the apparent misinterpretation of Immigration and Customs Enforcement (ICE) telephone access policies for mothers and fathers who are detained following their separation from their children at the border.

Recent reports indicate that these parents are being forced to pay exorbitant fees out-of-pocket if they wish to contact their children in this moment of crisis.¹ We believe that this policy is not only morally reprehensible, but also contrary to the plain language of relevant provisions contained within ICE's Performance-Based National Detention Standards (PBNDS) of 2008 and 2011. Every day, it seems there is new reporting regarding the troubling lack of process for reunification and serious barriers for parents and children to find one another. Given the urgency of this crisis, it is even more critical that our government remove obstacles—such as inexplicably high phone rates—for parents and children to communicate. We write to urge you to implement immediate, nationwide changes that will permit individuals who have been separated from their children to make phone calls regularly and at no expense to them.

The Administration has confirmed that more than 2,400 children have been forcibly separated from their families since the implementation of the President's zero tolerance policy.² Media reports indicate that these children are now detained in facilities throughout the U.S., and, in some cases, thousands of miles from the Southern border. Many of the thousands of mothers and fathers affected by this policy are currently being detained in ICE facilities across the country, hundreds or thousands of miles away from their children. Reports and first-hand accounts have indicated that many of these detained parents have been forced to endure weeks without any information as to the location of their children.³ Once their children are finally located, moreover, reports indicate that their parents are forced to pay as much as \$8 per minute to speak with them by telephone, and that their access to this service can be limited to as little as one call per week.⁴ Charging these detained parents to speak with their children is callous, shameless, and completely unjustified given the minimal cost borne by detention facilities in providing this service. Moreover, we firmly believe that this policy contradicts the relevant provisions of ICE's detention standards.

¹ "Detained migrant parents have to pay to call their family members. Some can't afford to." The Texas Tribune, July 3, 2018

² "The Government was Holding 100 More Separated Children Than the Public Knew About." BuzzFeed, June 25, 2018

³ "The chaotic effort to reunite immigrant parents with their separated kids." The Washington Post, June 21, 2018

⁴ "Millions Raised For Immigrants Will Be Used To Provide Legal Support." NPR, June 21, 2018.

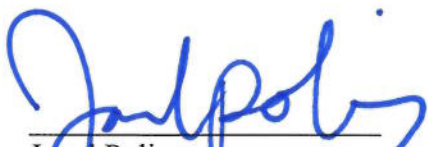
Section 5.6(V)(E) of ICE’s PBNDS of 2008 and 2011 explicitly states that each immigration detention facility shall permit detainees to make direct or free calls to “immediate family or others for detainees in personal or family emergencies or who otherwise demonstrate compelling need (to be interpreted liberally).” Further, Section 5.6 (II)(1) maintains that “detainees shall have reasonable and equitable access to reasonably priced telephone services.”⁵

The parents affected by the President’s zero tolerance policy have been attempting to reach their immediate family members—their children—and they are clearly in a state of family emergency due to their forcible, prolonged separation and lack of communication. Therefore, charging these individuals to make these calls is clearly against agency standards, and we urge you to issue guidance to all ICE field offices updating this practice. The current practice of charging detainees to make these calls is creating profit for private corporations while also serving as a barrier to communication within an exceptionally vulnerable population. This practice is unacceptable, and it must end immediately.


This is not the first time that ICE’s policies relating to phone access have come under scrutiny. The settlement reached in *Lyon vs. ICE, et. al*, provided detainees in ICE custody in Northern California with better access to conduct free, confidential calls to government offices and legal representation after the district court found evidence that systemic telephone restrictions impacted detainee access to counsel and evidence and established a real risk of prejudice to the fairness of detainees’ immigration proceedings.⁶ This was an important and overdue step, but current federal immigration enforcement actions and the crisis they have created necessitate further scrutiny to reduce the level of hardship that we are forcing upon this population. These parents must be permitted to speak with their children at no cost, and they should not be forced to spend the minimal resources they have to simply find out where their children are located.

No one—not private detention facilities, nor the federal government—should be in any way enriched by detained parents trying to speak with their children. We urge you to immediately allow detained parents the ability to talk to their children for free, and we look forward to your timely consideration and response.


Sincerely,



Jared Polis
Member of Congress



Patty Murray
United States Senator



Luis V. Gutierrez
Member of Congress

⁵ Immigration and Customs Enforcement. *Performance-Based National Detention Standards of 2011, Section 5.6*. Revised December 2016.

⁶ “*Lyon vs. ICE, et. al.*” American Civil Liberties Union, January 5, 2016.

Dianne Feinstein
Dianne Feinstein
United States Senator

Dick Durbin
Richard J. Durbin
United States Senator

Patrick Leahy
Patrick Leahy
United States Senator

Ron Wyden
Ron Wyden
United States Senator

Jack Reed
Jack Reed
United States Senator

Bill Nelson
Bill Nelson
United States Senator

Tom Carper
Thomas R. Carper
United States Senator

Debbie Stabenow
Debbie Stabenow
United States Senator

Maria Cantwell
Maria Cantwell
United States Senator

Robert Menendez
Robert Menendez
United States Senator

Bernie Sanders
Bernard Sanders
United States Senator

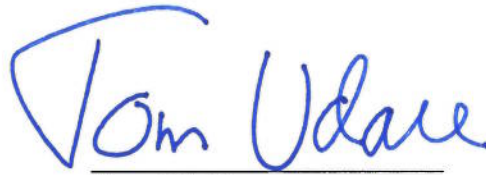
Sherrill Brown
Sherrill Brown
United States Senator

Bob Casey, Jr.
Robert P. Casey, Jr.
United States Senator

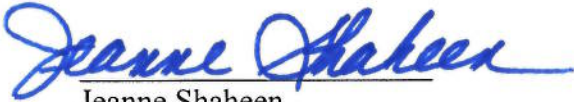
Amy Klobuchar
Amy Klobuchar
United States Senator



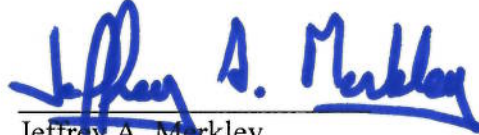
Sheldon Whitehouse
United States Senator



Tom Udall
United States Senator



Jeanne Shaheen
United States Senator



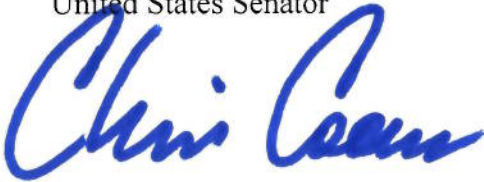
Jeffrey A. Merkley
United States Senator



Michael F. Bennet
United States Senator



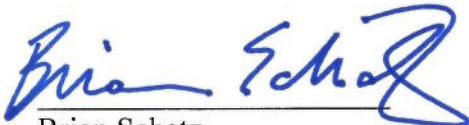
Kirsten Gillibrand
United States Senator



Christopher A. Coons
United States Senator



Richard Blumenthal
United States Senator



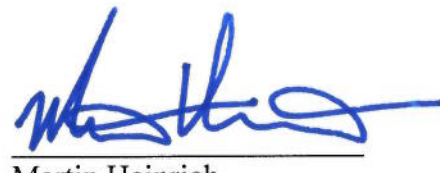
Brian Schatz
United States Senator



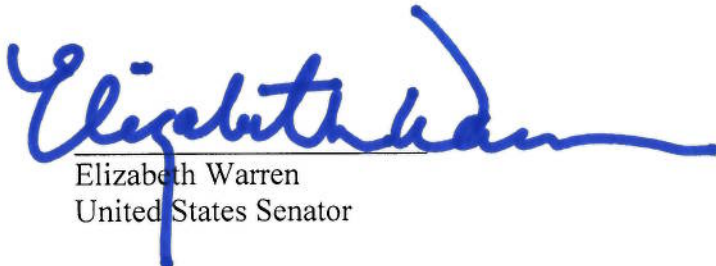
Tammy Baldwin
United States Senator



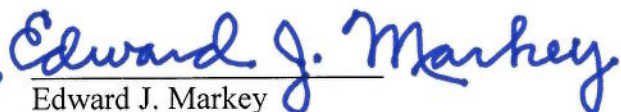
Mazie K. Hirono
United States Senator



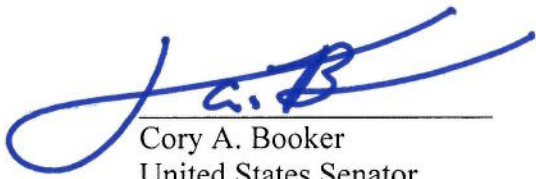
Martin Heinrich
United States Senator



Elizabeth Warren
United States Senator



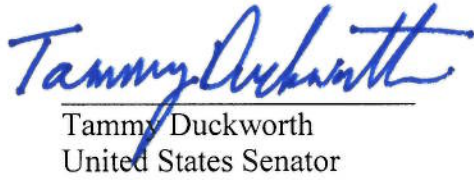
Edward J. Markey
United States Senator



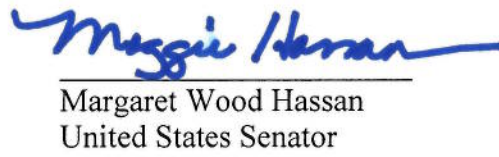
Cory A. Booker
United States Senator



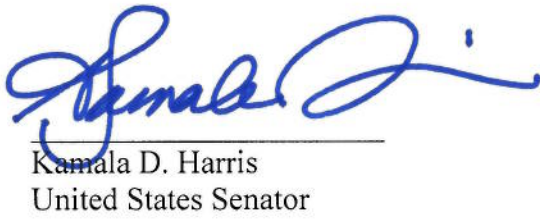
Gary C. Peters
United States Senator



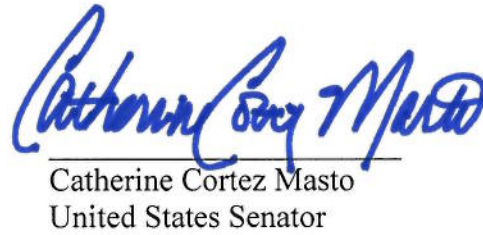
Tammy Duckworth
United States Senator



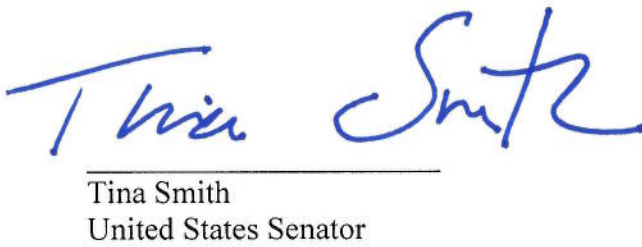
Margaret Wood Hassan
United States Senator



Kamala D. Harris
United States Senator



Catherine Cortez Masto
United States Senator



Tina Smith
United States Senator



Vicente Gonzalez
Member of Congress



Mark DeSaulnier
Member of Congress



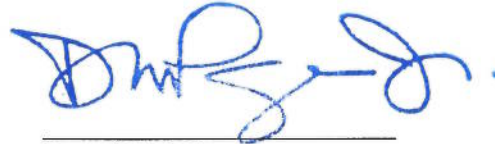
Debbie Dingell
Member of Congress



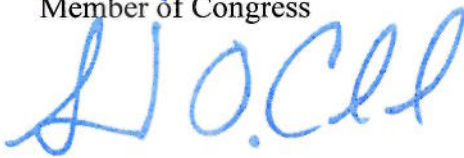
Alan Lowenthal
Member of Congress



John Yarnuth
Member of Congress



Donald M. Payne
Member of Congress



Salud O. Carbajal
Member of Congress



Michelle Lujan Grisham
Member of Congress



Elizabeth H. Esty
Member of Congress



Dan Kildee
Member of Congress



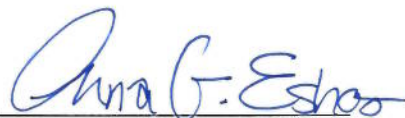
Jimmy Panetta
Member of Congress



Ted W. Lieu
Member of Congress



Mike Doyle
Member of Congress



Anna G. Eshoo
Member of Congress

A. Donald McEachin

A. Donald McEachin
Member of Congress

Pramila Jayapal

Pramila Jayapal
Member of Congress

John Lewis

John Lewis
Member of Congress

Jacky Rosen

Jacky Rosen
Member of Congress

Colleen Hanabusa

Colleen Hanabusa
Member of Congress

Jamie Raskin

Jamie Raskin
Member of Congress

Joseph P. Kennedy, III

Joseph P. Kennedy, III
Member of Congress

James P. McGovern

James P. McGovern
Member of Congress

Suzanne Bonamici

Suzanne Bonamici
Member of Congress

Ro Khanna

Ro Khanna
Member of Congress

Sean Patrick Maloney

Sean Patrick Maloney
Member of Congress

J. Luis Correa

J. Luis Correa
Member of Congress


Earl Blumenauer


Earl Blumenauer
Member of Congress

Debbie Wasserman Schultz


Debbie Wasserman Schultz
Member of Congress


Donald S. Beyer Jr.
Member of Congress



Scott Peters
Member of Congress


Pete Aguilar
Member of Congress


Tim Ryan
Member of Congress

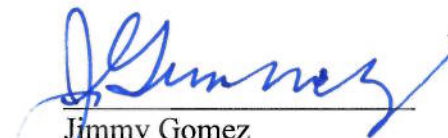

Robert C. "Bobby" Scott
Member of Congress


Brenda Lawrence
Member of Congress


Ruben Gallego
Member of Congress


Joaquin Castro
Member of Congress



Bill Foster
Member of Congress


Jimmy Gomez
Member of Congress


Sander Levin
Member of Congress

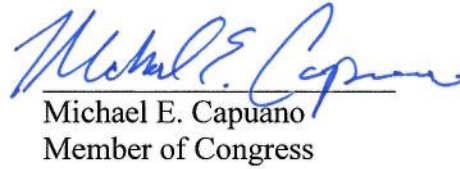

Grace Meng
Member of Congress


Nanette Diaz Barragán
Member of Congress


Beto O'Rourke
Member of Congress



Zoe Lofgren
Member of Congress



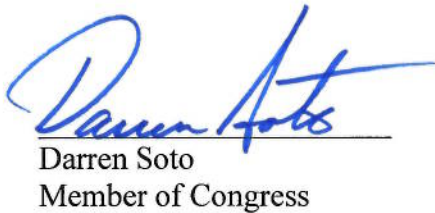
Michael E. Capuano
Member of Congress



Katherine Clark
Member of Congress



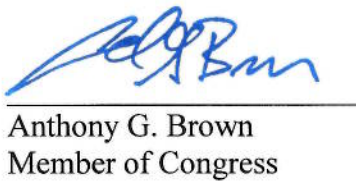
Mark Pocan
Member of Congress



Darren Soto
Member of Congress



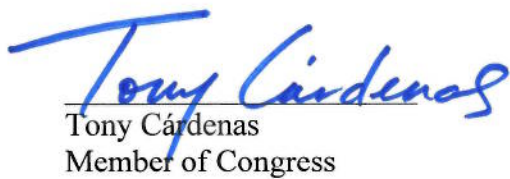
Tulsi Gabbard
Member of Congress



Anthony G. Brown
Member of Congress



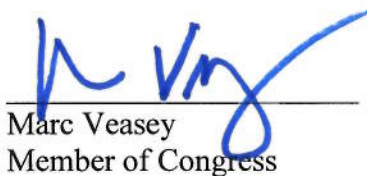
Kathleen M. Rice
Member of Congress



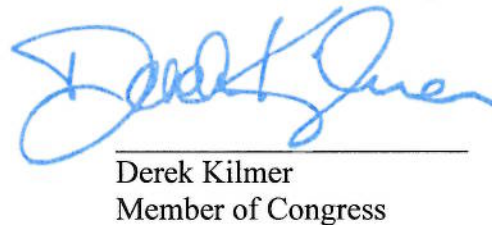
Tony Cárdenas
Member of Congress



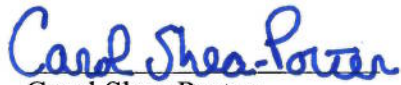
Raúl M. Grijalva
Member of Congress



Marc Veasey
Member of Congress



Derek Kilmer
Member of Congress



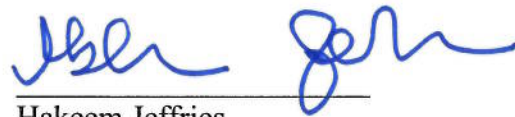
Carol Shea-Porter
Member of Congress




Bonnie Watson Coleman
Member of Congress



Juan Vargas
Member of Congress



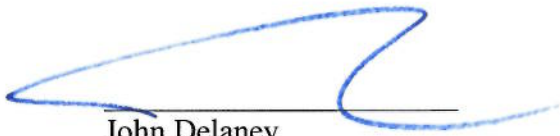
Hakeem Jeffries
Member of Congress



Grace F. Napolitano
Member of Congress



Adriano Espaillat
Member of Congress



John Delaney
Member of Congress



Norma J. Torres
Member of Congress



Niki Tsongas
Member of Congress



Yvette D. Clarke
Member of Congress



James R. Langevin
Member of Congress




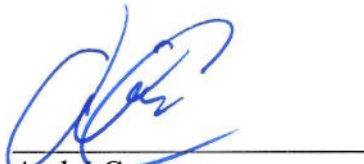
G. K. Butterfield
Member of Congress



Jerrold Nadler
Member of Congress



Diana DeGette
Member of Congress


Rick Larsen
Member of Congress


Peter A. DeFazio
Member of Congress



Andre Carson
Member of Congress



Eleanor Holmes Norton
Member of Congress



Danny K. Davis
Member of Congress

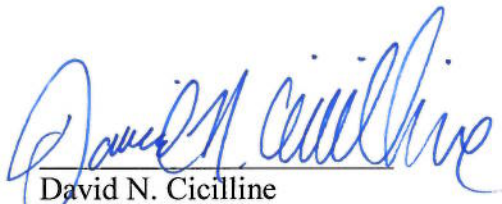

Elijah E. Cummings
Member of Congress



Chellie Pingree
Member of Congress


Gregory W. Meeks
Member of Congress


Henry C. "Hank" Johnson, Jr.
Member of Congress


Karen Bass
Member of Congress


David N. Cicilline
Member of Congress


Gwen Moore
Member of Congress



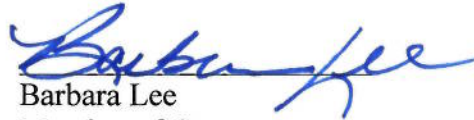
Betty McCollum
Member of Congress



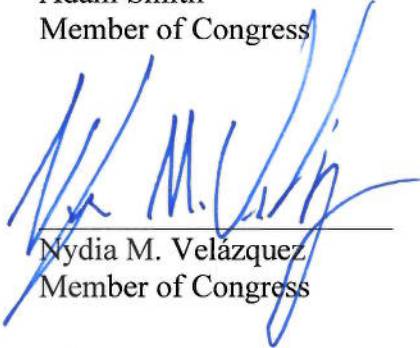
Keith Ellison
Member of Congress



Adam Smith
Member of Congress



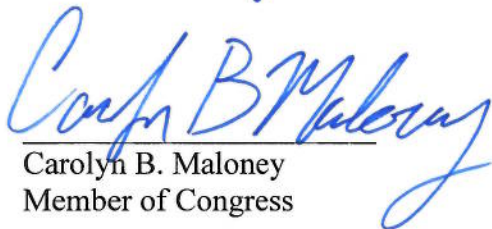
Barbara Lee
Member of Congress



Nydia M. Velázquez
Member of Congress



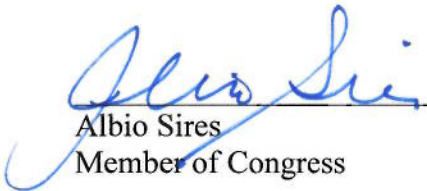
Peter Welch
Member of Congress



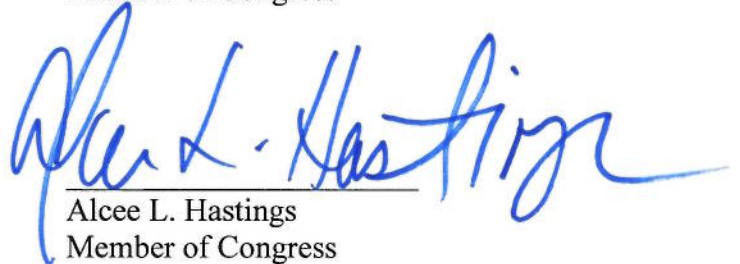
Carolyn B. Maloney
Member of Congress



Linda T. Sánchez
Member of Congress



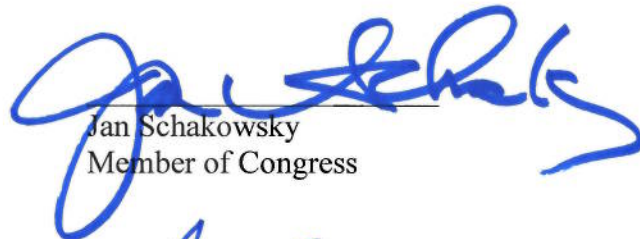
Albio Sires
Member of Congress



Alcee L. Hastings
Member of Congress



José E. Serrano
Member of Congress



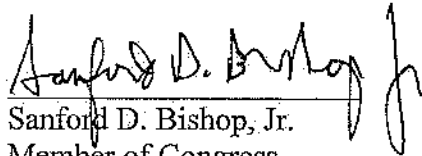
Jan Schakowsky
Member of Congress

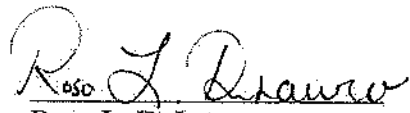



Adam B. Schiff
Member of Congress




Steve Cohen
Member of Congress

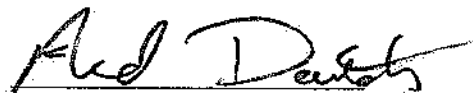

Sanford D. Bishop, Jr.
Member of Congress



Rosa L. DeLauro
Member of Congress



Judy Chu
Member of Congress



Wm. Lacy Clay
Member of Congress



Suzan K. DelBene
Member of Congress

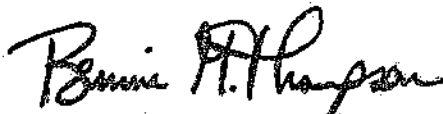

Ted Deutch
Member of Congress



Mike Quigley
Member of Congress



Brian Higgins
Member of Congress


Dina Titus
Member of Congress


Jackie Speier
Member of Congress


Bennie G. Thompson
Member of Congress


Eddie Bernice Johnson
Member of Congress


Kurt Schrader
Member of Congress


Lloyd Doggett
Member of Congress