



DETENTION
WATCH NETWORK

NATIONAL
IMMIGRANT
JUSTICE CENTER
A HEARTLAND ALLIANCE PROGRAM



NATIONAL
IMMIGRATION
LAW CENTER



The Bridge



United We Dream®



national
IMMIGRATION
project
of the National Lawyers Guild

IMMIGRATION HUB

February 1, 2021

Ambassador Susan Rice
Director of the Domestic Policy Council
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

The Honorable David Pekoske
Acting Secretary of Homeland Security
2707 Martin Luther King Jr. Avenue, SE
Washington, DC 20528

Subject: ICE is Doubling Down on Cruelty. It Has to Stop.

In the first weeks of the Biden-Harris administration, Immigration and Customs Enforcement (ICE) continues to demonstrate its cruelty and culture of hate, raising serious concerns about the implementation of existing and forthcoming policy changes. Advocates and immigrant communities report numerous instances of asylum seekers and long-time community members removed on middle-of-the-night or early-morning flights despite pending claims for protection.

This weekend Rosa, a survivor and witness to the El Paso Walmart shooting, was [deported to Mexico](#) after a traffic stop. **Just this morning, on the first day of Black History month, there was another deportation flight from San Antonio to Haiti.** The pattern that has emerged over the last days and weeks shows that ICE is attempting to push through as many removals as possible during this period of transition between administrations. **In a continued attempt to thwart the new administration's priorities, we believe ICE has scheduled yet another deportation flight for this Wednesday to Angola, Cameroon, and the Democratic Republic of Congo. We believe some or all of the individuals scheduled to be deported on this flight fall outside of the interim enforcement guidelines which take effect today. Many of them have pending motions and appeals and**

should be given an opportunity for their cases to be heard. The administration must step in now to stop this injustice before it is too late.

Today, February 1st, the new interim enforcement priorities issued in a January 20th [memo](#) issued by the Department of Homeland Security (DHS) go into effect. We are eager to review the forthcoming implementation guidelines. This period of time during which new policies, priorities, and protocols are put in place is a precarious time for immigrant communities. ICE and Customs and Border Protection (CBP) must not be allowed to continue implementing the policies and practices of the previous administration and must understand that the current administration is moving away from cruelty and toward compassion while entering into a top-to-bottom review of harmful enforcement mechanisms. This requires immediate and proactive action from the White House and DHS. Given the past four years of unrelenting injustice and wrongful detention and deportations, ICE and CBP leadership and *every single* field office director, officer and agent must be directed to err on the side of caution, follow the spirit and letter of the January 20th memo, and not rush to deport or detain.

Critically, the temporary restraining order issued by a Texas federal judge is limited in its scope to the blanket 100-day pause on removals. It does not require any deportations – all it does is preclude the agency from maintaining a *categorical, across the board* ban on removals. It does not require *any* specific enforcement to be taken in any case. ICE officers can use their discretion to grant stays of removal and release individuals on a case-by-case basis. Yet ICE officers seem to be using the order as an excuse to rush deportations, particularly to majority Black countries such as Jamaica, Haiti, the Democratic Republic of Congo, Cameroon and Angola.

In the 2020 election, the American people spoke and expressed their belief that immigrants should be treated with dignity and compassion, and that the United States should be a safe haven for refugees and asylum seekers. And yet, weeks into the new administration, families and immigrant communities are still living in fear of a knock on the door or a phone call from their loved one telling them they are on a flight back into harm's way. The administration's failure to hold its officers accountable is continuing and exacerbating the disruption that detentions and deportations create in communities and families, undermining any efforts the administration might take to rebuild trust with communities.

This has to stop. Affirmative, meaningful steps need to be taken *now* to make sure that every single ICE and CBP officer understands it's a new day, and that they will be held accountable for continuing the cruelty of prior administrations.

Sincerely,

Haitian Bridge Alliance
Detention Watch Network
National Immigrant Justice Center
National Immigration Law Center
National Immigration Project (NIPNLG)
UndocuBlack Network
United We Dream
Immigration Hub