

President Joe Biden
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Hon. Alejandro Mayorkas
Secretary
US Department of Homeland Security
301 7th Street, SW
Washington, DC 20528

October 8, 2021

Dear President Biden and Secretary Mayorkas,

The 220 undersigned organizations write to express our deepest disappointment regarding the planned reopening of Moshannon Valley Correctional Center, a former Bureau of Prisons (BOP) jail, as an Immigration and Customs Enforcement (ICE) detention center and the conversion and expansion of the Berks County ICE detention center to an adult facility for women. We call on you to:

- Immediately terminate the contracts signed last week with Clearfield County for the Moshannon Valley facility and Berks County for the Berks facility;
- Halt all other efforts to expand the ICE detention system through any new or extended ICE contracts;
- Apply the Executive Order on privately operated prisons to end immigration detention contracts with private prison companies and local governments; and
- Take significant steps to dismantle the system of mass immigrant incarceration and the use of detention for asylum processing.

President Biden promised to end for-profit detention, including for undocumented immigrants, and to bring justice and fairness to the immigration system.¹ Instead, your administration is increasing the use of immigration detention and filling the private prison beds that criminal justice advocates have worked for years to empty with immigrants and asylum-seekers. We expect and demand more.

¹Joe Biden, The Biden Plan for Securing Our Values as a Nation of Immigrants, <https://joebiden.com/immigration/> and Andrew Solander, 'I'm Working On It, Man': Biden Repeatedly Disrupted By Protesters At Georgia Rally, Forbes, (April 29, 2021) <https://www.forbes.com/sites/andrewsolander/2021/04/29/im-working-on-it-man-biden-repeatedly-disrupted-by-protesters-at-georgia-rally/?sh=1661fc2e5e3e>.

Opening Moshannon and Berks flies in the face of community efforts in Pennsylvania

ICE's decision to open Moshannon Valley and convert Berks in Pennsylvania contradicts and undermines this administration's commitments to reform and the efforts of community members in Pennsylvania. ICE appears to be trying to make up for other facility closures in the Northeast United States by making Pennsylvania an immigration prison hub. As more states and county governments take measures towards phasing out ICE detention, the administration should take the opportunity to release people and limit enforcement operations in response to public outcry, not allow ICE to expand to new regions. It is hard if not impossible for the civil rights community to take seriously this administration's intentions for detention reform, when its actions so blatantly contradict them.

The reopening of Moshannon Valley and conversion of Berks comes on the heels of the closure of the York County Prison and ending the detention of families in Berks County--outcomes that community members and advocates have been working toward for years. We are appalled that ICE is moving to convert Berks to a facility for women rather than terminating the contract, despite the documented history of abuses against women detained there when it was a family detention center.²

We are further alarmed at the decision to open Moshannon Valley as an ICE facility given reports of neglect and abuse when it was open as a BOP jail. When Moshannon Valley announced its closure at the peak of the COVID-19 pandemic, conditions deteriorated: lack of access to calls, no visitations from family members or attorneys, two slices of bread with peanut butter per day and a sandwich for dinner, forcing up to 70 people in one pod, no commissary or hygiene products for months, ongoing threats of abuse, and solitary confinement for anyone who spoke out. Queer and trans immigrants formerly detained at Moshannon Valley expressed that they faced constant attacks by guards due to their gender identities. One person formerly detained at Moshannon and currently in ICE detention shared the following:

"From February to March the conditions became deplorable... My experience in Moshannon correctional center is one I wish never to repeat again. Its austerity and indignation has affected me deeply and these wounds will take time and therapy to heal, but for now I must lick my wounds the best I can and carry on for I write this statement from an ICE facility and my fight for freedom is not yet won. It saddens me to hear that ICE wants to turn the recent shutdown prison into an ICE center."

² Adrianna Torres-García, *It's time to close immigrant detention centers for good, not expand them*, Philadelphia Inquirer (September 27 2021), <https://www.inquirer.com/news/close-immigrant-detention-centers-berks-county-20210927.html>.

Expansion contradicts promises and further harms immigrant communities

Early this year, many of our organizations made clear our expectations that your administration would begin to turn back the injustices of the immigration system, including beginning to phase out the use of immigration detention by releasing people, shutting down detention centers and ending detention contracts.³ In May, Secretary Mayorkas announced the intention to end ICE contracts with Irwin County Detention Center in Georgia and the Bristol County Jail in Massachusetts. This was welcome news. However, the number of people in ICE detention has sky-rocketed since January, nearly doubling in July, primarily due to the administration's decision to prioritize recent arrivals seeking safety at our borders as enforcement priorities.

The Biden Administration has also actively litigated against the closure of private prisons, as exemplified by this week's 9th Circuit decision holding that a California law that phases out private detention facilities in the state, including immigration detention facilities, conflicts with federal law and cannot stand.

These decisions along with the planned opening of Moshannon, the conversion and expansion of Berks to an adult facility, and the proposed expansion of the El Paso Service Processing Center undermines any progress made with Irwin and Bristol and directly goes against President Biden's promises and Secretary Mayorkas' stated intentions to reduce reliance on immigration detention.

Expansion contradicts the President's commitments regarding privately operated prisons

These contracts also present a clear moral and policy dilemma for the Biden administration given the White House's efforts to phase out privately operated prisons. Civil rights groups welcomed President Biden's executive order in January 2021 directing the Department of Justice (DOJ) to phase out its contracts with privately operated prisons--and specifically instructing DOJ not to renew contracts with privately operated criminal detention facilities.⁴ But the Executive Order did not apply to ICE detention facilities, an omission which 75 members of

³ Detention Watch Network, First Ten to Communities Not Cages Organizational Sign on letter and Faith Leader Sign On Letter (April 2, 2021),

https://drive.google.com/file/d/1ZdFMtgTLPwWYkaFGefwS_p7sOTfz-xsF/view; and Leadership Conference on Civil and Human Rights, Coalition Letter on Immigration Detention Reform (June 30, 2021), <https://civilrights.org/resource/coalition-letter-on-immigration-detention-reform/>.

⁴ Exec. Order on Reforming Our Incarceration System to Eliminate the Use of Privately Operated Criminal Detention Facilities (Jan. 26, 2021),

<https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/26/executive-order-reforming-our-incarceration-system-to-eliminate-the-use-of-privately-operated-criminal-detention-facilities/>.

Congress warned about at the time⁵ and that is all the more glaring now that ICE is moving to directly contradict the spirit and intention of the executive order. Since then, ICE has extended contracts with private prisons in states that passed legislation aimed at closing out those facilities.⁶ Now, the Biden administration is poised to fill the very private prison beds emptied out by its own Executive Order with immigrants and asylum seekers.

The Moshannon Valley facility is a case in point. In January 2021, the GEO Group (GEO) announced that the BOP had declined to renew its contract for the Moshannon Valley Correctional Facility in Pennsylvania, which was expected to generate \$42 million in annualized revenue. GEO then informed its investors that it expected to market the facility “to other federal and state agencies.”⁷ In September 2021, GEO announced that it would reopen the facility as an ICE detention facility.⁸ As the end dates for several U.S. Marshals Service (USMS) contracts draw near, GEO and CoreCivic are pushing similar efforts in other locations, including in Leavenworth, Kansas, Clay County, Indiana and Willacy County, Texas. The administration must reject these efforts.

Unfortunately, despite the intentions of criminal justice advocates inside and outside the administration, ICE’s irreparably flawed mass incarceration system remains fully intertwined with private prison companies. Under the Trump Administration and as of January 2020, 81 percent of people detained in ICE custody each day were held in facilities owned or operated by private prison corporations. This number remains virtually unchanged under the Biden Administration. As of September 2021, 79 percent of people detained each day in ICE custody are detained in private detention facilities.⁹

⁵ Letter from Reps. Crow, Jayapal, Ruiz et al. to Acting DHS Secretary David Pekoske (Jan. 28, 2021), <https://tinyurl.com/89pt3sj>.

⁶ See, *GEO Group Sues to Keep Tacoma Immigration Detention Center Open*, Associated Press (May 18, 2021), <https://www.knxx.org/news/2021-05-18/geo-group-sues-to-keep-tacoma-immigrant-detention-center-open>. See also, Rodrigo Torrejon, *NJ Jail Renews Deal with ICE while Bill Banning New Contracts Sits on Murphy’s Desk*, NJ Advance Media (Aug. 14, 2021), <https://www.nj.com/essex/2021/08/nj-jail-renews-deal-with-ice-while-bill-banning-new-contracts-sits-on-murphys-desk.html>.

⁷ The GEO Group, Inc., Annual Report (Form 10-K) (February 2021), <https://seekingalpha.com/filings/pdf/14711618>.

⁸ Jessica Shirey, *Moshannon Valley Correctional Facility to Reopen as ICE Center*, Gant News, (Sept. 29, 2021), <https://gantnews.com/2021/09/29/moshannon-valley-correctional-facility-to-reopen-as-ice-center/>.

⁹ Eunice Cho, *Biden Is Holding as Many Immigrants in Private Prisons as Trump*, Newsweek (Oct. 3, 2021), <https://www.newsweek.com/biden-holding-many-immigrants-private-prisons-trump-opinion-1634834>.

Private prison companies continue to profit off of human misery. In the past several years, contracts for ICE detention made up approximately 25 percent of total revenue for both CoreCivic and GEO. These corporations earned approximately the same amount of revenue from ICE detention contracts as they earned from Department of Justice (BOP and USMS) contracts combined.¹⁰

Detention is not necessary to reversing inhumane, racist border policies

We are unequivocal—we must welcome people seeking safety and protection at our borders without the use of immigration detention. Immigration detention is inherently harmful, abusive and unjust.¹¹ It is also a costly, punitive approach that has proven unnecessary to ensuring immigrants are able to navigate the immigration system. Studies show that most people are best able to see through their proceedings when in community and with access to proper support and legal representation.¹²

Yet like its predecessors, the Biden administration has made detention central to its response to migration, including to people seeking asylum at our borders. This is a choice. There is no reason to detain people seeking asylum and further traumatize these individuals, many of whom have already experienced torture and persecution.¹³ Asylum seekers and others seeking safety at our borders have become the target of racist rhetoric and abuse in recent years, including most recently the abuse and deportation of Haitian migrants.¹⁴ The Biden administration must not advance these false narratives to legitimize further investment in the unjust and abusive immigration detention system.

¹⁰ Eunice Cho, *More of the Same: Private Prison Corporations and Immigration Detention Under the Biden Administration*, ACLU (Oct. 5, 2021), <https://www.aclu.org/news/immigrants-rights/more-of-the-same-private-prison-corporations-and-immigration-detention-under-the-biden-administration>

¹¹ Setareh Ghandehari, Luis Suarez, Gabriela Viera, *First Ten to Communities Not Cages*, Detention Watch Network (February 2021) <https://www.detentionwatchnetwork.org/sites/default/files/reports/DWN%20First%20Ten%20to%20Communities%20Not%20Cages.pdf> and Taylor Koehler, Esq., *Arbitrary & Cruel: How U.S. Immigration Detention Violates the Convention against Torture and Other International Obligations*, Center for Victims of Torture (June 2021) https://www.cvt.org/sites/default/files/attachments/u93/downloads/arbitrary_and_cruel_d5_final.pdf

¹² See, Most Released Families Attend Immigration Court Hearings, TRAC Immigration Project (June 18, 2021), <https://trac.syr.edu/immigration/reports/562/>.

¹³ Setareh Ghandehari, Detention Watch Network, *Restoring Access to Asylum without the Use of Detention* (July 2021), <https://www.detentionwatchnetwork.org/sites/default/files/Restoring%20Border%20Access%20Without%20Detention.pdf>.

¹⁴ Human Rights Watch, *US: Treatment of Haitian Migrants Discriminatory: Chased by Border Agents on Horseback; Returned to Danger in Haiti* (Sept. 21, 2021), <https://www.hrw.org/news/2021/09/21/us-treatment-haitian-migrants-discriminatory>.

It is not too late to reverse course. We urge you to cancel ICE's contracts for Moshannon Valley and Berks, halt all expansion efforts underway and place a moratorium on any new or extended ICE detention contracts. Furthermore, we request you meet with immigration advocates to discuss ways to meaningfully incorporate immigration detention into implementation of the executive order on privately operated prisons. Thank you for your time and consideration.

Sincerely,

Detention Watch Network

Shut Down Berks Coalition

JUNTOS

National Immigrant Justice Center

American Civil Liberties Union (ACLU)

Aldea - the People's Justice Center

Pennsylvania Immigration Resource Center (PIRC)

Nationalities Service Center (NSC)

CASA

Amnesty International USA

American Immigration Lawyers Association

American Immigration Council

Human Rights First

Indivisible

Immigrant Legal Resource Center

National Immigration Law Center

National Immigration Project (NIPNLG)

RAICES

The Leadership Conference on Civil and Human Rights

United We Dream

UndocuBlack Network

Women's Refugee Commission

Southern Poverty Law Center

Friends Committee on National Legislation

Young Center for Immigrant Children's Rights

Haitian Bridge Alliance

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

Al Otro Lado

Alianza Americas

Alianza Nacional de Campesinas

Alianza Sacramento
American Friends Service Committee
Amistad Law Project
Arizona Alliance for Action Immigration Committee
Asian Americans Advancing Justice-Atlanta
Asian Americans United
Asian Counseling and Referral Service
Asian Law Caucus
ASISTA Immigration Assistance
Asylum Seeker Advocacy Project (ASAP)
Autistic Self Advocacy Network
Avodah
Bend the Arc: Jewish Action
Bend the Arc: Jewish Action California
Bend the Arc: Jewish Action Pittsburgh
Benedictine Sisters of Baltimore
Bill of Rights Defense Committee-Keystone State
BORDER ANGELS
Bridges Faith Initiative
BTA Southeastern PA
California Collaborative for Immigrant Justice (CCIJ)
California Immigrant Policy Center
Casa San Jose
Catholic Charities Dallas
Ceiba
Center for Community Action and Environmental Justice
Center for Constitutional Rights
Center for Gender & Refugee Studies
Center for Popular Democracy
Center for Victims of Torture
Central American Resource Center - CARECEN- of California
Centro De Trabajadores Unidos: United Workers Center
Centro Legal de la Raza
Chinese-American Planning Council (CPC)
Church World Service
Cleveland Jobs with Justice
Coalition for Humane Immigrant Rights (CHIRLA)
Coastal Roots Farm

Colorado Immigrant Rights Coalition
Colorado Jobs with Justice (CO JJJ)
Colorado People's Alliance (COPA)
Columbia Law School Immigrants' Rights Clinic
Comunidad Maya Pixan Ixim
Comunidades Unidas en una Voz
Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces
Connecticut Shoreline Indivisible
Contra Costa Immigrant Rights Alliance
Cultural and Secular Jewish Organization
Disciples Immigration Legal Counsel
Disciples Refugee & Immigration Ministries
Doctors for Camp Closure
Dominican Sisters of Hope
Earthjustice
Emmaus Community
End Streamline Coalition
Every Mother is a Working Mother Network/Philadelphia
Faith in Public Life
Faithful Friends
Familia: TQLM
Families for Freedom
Family Equality
Family Voices NJ
Farmworker Association of Florida
Fight for the Future
Florence Immigrant & Refugee Rights Project
Franciscan Action Network
Free Migration Project
Freedom for Immigrants
Global Women's Strike/Philadelphia
Government Accountability Project
Grassroots Leadership
H-CAN Immigration and Refugee group
Hope Border Institute
Houston Immigration Legal Services Collaborative
Hts. Friends of Immigrants
Illinois Coalition for Immigrant and Refugee Rights

Immigrant Action Alliance
Immigrant Defenders Law Center
Immigrant Law Center of Minnesota
In Plain Sight
Indivisible CLE
Indivisible Howard County Maryland
Inland Coalition for Immigrant Justice
Innovation Law Lab
Inter-Faith Committee on Latin America (IFCLA)
Interfaith Coalition on Immigration
Interfaith Community for Detained Immigrants
Interfaith Movement for Human Integrity
International Detention Coalition (IDC)
InterReligious Task Force on Central America
ISLA: Immigration Services and Legal Advocacy
Jewish Activists for Immigration Justice of Western MA
Joachim Law Office
Justice for Our Neighbors El Paso
Justice Strategies
Kern Welcoming and Extending Solidarity to Immigrants
La Raza Community Resource Center
La Resistencia
Lambda Legal
Latin America Working Group (LAWG)
Legal Aid Justice Center
Long Beach Immigrant Rights Coalition
Louisiana Advocates for Immigrants in Detention
Make the Road PA
Mariposa Legal
Maryknoll Office for Global Concerns
Maryland Against ICE Detention
Michigan United
Mijente
Minnesota Immigrant Rights Action Committee (MIRAC)
Mississippi Center for Justice
Movement for Justice in El Barrio
Mujeres Unidas y Activas
Muslim Voices Coalition

National Advocacy Center of the Sisters of the Good Shepherd
National Domestic Workers Alliance - PA Chapter
National Employment Law Project
National Network for Immigrant & Refugee Rights
Nature Rhythms
Network in Solidarity with the People of Guatemala
NETWORK Lobby for Catholic Social Justice
New Jersey Forum for Human Rights
New Sanctuary Movement of Philadelphia
New York Immigration Coalition
No Detention Centers in Michigan
NorCal Resist
Northwest Immigrant Rights Project
Oasis Legal Services
Office of Peace, Justice, and Ecological Integrity, Sisters of Charity of Saint Elizabeth
Ohio Center for Strategic Immigration Litigation & Outreach
Ohio Immigrant Alliance
Orange County Equality Coalition
Parishioners for Peace & Justice
Pax Christi New Jersey
Pax Christi New York State
Payday men's network/Philadelphia
Philadelphia Neighborhood Networks
PhillySUN
PICC
Piney Defense Alliance
Poder Latinx
Progressive Leadership Alliance Of Nevada
Project Blueprint
Put People First! PA
Quixote Center
Rapid Defense Network (RDN)
Reclaim Philadelphia
RISE Coalition of Western MD
Robert F. Kennedy Human Rights
Rocky Mountain Immigrant Advocacy Network (RMIAN)
San Diego Immigrant Rights Consortium
Sanctuary and Resistance to Injustice

Sanctuary DMV
Secure Justice
Servants of Mary, US/Jamaica Leadership Team
Services, Immigrant Rights and Education Network (SIREN)
Showing Up for Racial Justice (SURJ)
SIREN (Services, Immigrant Rights and Education Network)
Sisters of Mercy of the Americas Justice Team
Sisters of Saint Joseph of Chestnut Hill, Philadelphia
Sisters of Saint Joseph Welcome Center
Sisters, Home Visitors of Mary
Southeast Asia Resource Action Center (SEARAC)
SPAN Parent Advocacy Network
Student Clinic for Immigrant Justice
Tahirih Justice Center
Takoma Park Mobilization, Equal Justice
The Advocates for Human Rights
The Bronx Defenders
The Immigration Detention Accountability Project of the Civil Rights Education and Enforcement Center
The People's Priest
The Reformed Church of Highland Park
The Willows Project
Transformations CDC
Transgender Law Center
Tsuru for Solidarity
UCSF Health and Human Rights Initiative
Unidad Latina en Accion CT
Union for Reform Judaism
Unitarian Universalist Service Committee
Unitarian Universalist's for Social Justice
UnLocal
VECINA
Vera Institute of Justice
VietLead
Voces de la Frontera
Voces Unidas
Washington Office on Latin America (WOLA)
Wayne State Asylum & Immigration Law Clinic

Wind of the Spirit Immigrant Resource Center

Witness at the Border

Women of Color Global Women's Strike Philadelphia

Woori Center

YWCA Greater Pittsburgh