

United States Senate

WASHINGTON, DC 20510

May 14, 2024

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
3801 Nebraska Ave. NW
Washington, DC 20016

Patrick Lechleitner
Director
U.S. Immigration and Customs Enforcement
500 12th St. SW
Washington, D.C. 20536

Dear Secretary Mayorkas and Director Lechleitner:

We urge you to recommit to phasing out Immigration and Customs Enforcement's (ICE) use of private detention. ICE uses at least 110 detention facilities across the United States to collectively detain between 36,000-40,000 individuals — roughly five times the number that ICE detained twenty years ago.¹ The overwhelming majority are detained in facilities run by for-profit corporations. We commend President Biden for ordering an end to the federal government's use of private prisons in 2021.² However, the President's order did not extend to immigration detention facilities, and ICE's reliance on private detention has only increased since he took office. Indeed, some companies that ended their federal prison contracts entered into contracts with ICE to continue detaining people for the federal government.³ Today, over 90 percent of people detained by ICE are held in private detention facilities.⁴

Most urgently, the Department of Homeland Security (DHS) should consider terminating ICE's contracts for the following private detention facilities with well-documented deficient conditions:⁵

¹ U.S. Immigration and Customs Enforcement, "Detention Management," <https://www.ice.gov/detain/detention-management>; TRAC Immigration, "Ice Detainees," https://trac.syr.edu/immigration/detentionstats/pop_agen_table.html; U.S. Immigration and Customs Enforcement, "Dedicated Nondedicated Facility List," last updated April 1, 2024, <https://www.ice.gov/doclib/facilityInspections/dedicatedNonDedicatedFacilityList.xlsx>; Center for American Progress, "How For-Profit Companies Are Driving Immigration Detention Policies," Sharita Gruberg, December 18, 2015, <https://www.americanprogress.org/article/how-for-profit-companies-are-driving-immigration-detention-policies/>.

² The White House, "Executive Order on Reforming Our Incarceration System to Eliminate the Use of Privately Operated Criminal Detention Facilities," January 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/>.

³ Reuters, "Biden vowed to reform immigration detention. Instead, private prisons benefitted," Ted Hesson, Mica Rosenberg, and Kristina Cooke, August 7, 2023, <https://www.reuters.com/world/us/biden-vowed-reform-immigration-detention-instead-private-prisons-benefited-2023-08-07/>.

⁴ American Civil Liberties Union, "Unchecked Growth: Private Prison Corporations and Immigration Detention, Three Years Into the Biden Administration," Eunice Hyunhye Cho, August 7, 2023, <https://www.aclu.org/news/immigrants-rights/unchecked-growth-private-prison-corporations-and-immigration-detention-three-years-into-the-biden-administration>.

⁵ See, e.g., American Civil Liberties Union, "Justice-Free Zones: U.S. Immigration Detention Under the Trump Administration," April 30, 2020, p. 54, <https://www.aclu.org/publications/justice-free-zones-us-immigration-detention-under-trump-administration>; Innovation Law Lab, "REPORT: Sleep Deprivation, Torture Rooms, a Rigged Deportation Process, and Attempted Suicide at the Torrance Country Detention Facility in Estancia, New Mexico," report, February 15, 2023, <https://innovationlawlab.org/media/2023.02.15-Torrance-Report.pdf>; Detention Watch Network & National Immigration Project, "Anthology of Abuse: 13 Years at the Farmville Detention Center," July 12, 2023, <https://www.detentionwatchnetwork.org/sites/default/files/reports/Farmville-ICA%20Detention%20Center%20->

Facility	Location	Private operator	Estimated contract cost	Average daily population ⁶	Contract expiration date
Torrance County Detention Facility	Estancia, New Mexico	CoreCivic	over \$24.5 million per year ⁷	366	May 14, 2024
Winn Correctional Center	Winnfield, Louisiana	LaSalle Corrections	over \$24 million per year ⁸	1,467	May 15, 2024
Adelanto Detention Center	Adelanto, California	GEO Group	open task order of \$27.5 million ⁹	6	June 18, 2024
ICA-Farmville	Farmville, Virginia	Immigration Centers of America	\$24 million per year ¹⁰	187	Contract expires in 2029 (recently renewed)

Contracts for three of these facilities will expire in May and June 2024, and DHS may also terminate contracts early.¹¹

Multiple Biden Administration officials and members of Congress have called for the closure of these four facilities due to their poor conditions and high costs.¹² The Biden Administration has previously

[%20Anthology%20of%20Abuse.pdf](#); Letter from ACLU-SoCal to Director Sarah Saldana, Inspector General John Roth, and Officer Megan Mack, May 15, 2015, <https://www.aclusocal.org/sites/default/files/wp-content/uploads/2015/05/NGO-letter-re-Adelanto-medical-care.pdf>.

⁶ U.S. Immigration and Customs Enforcement, “Detention Management: FY 2024 ICE Statistics,” last viewed May 1, 2024, <https://www.ice.gov/detain/detention-management>; U.S. Immigration and Customs Enforcement, “Non Dedicated Facilities List,” <https://www.ice.gov/doclib/facilityInspections/dedicatedNonDedicatedFacilityList.xlsx>; TRAC Immigration, “Detention Facilities Average Daily Population,” <https://trac.syr.edu/immigration/detentionstats/facilities.html>.

⁷ Letter from American Civil Liberties Union to ICE director Patrick J. Lechleitner, April 23, 2024, <https://www.aclu.org/documents/april-2024-aclu-letter-to-ice-on-torrance-detention-facility>.

⁸ Acadiana Advocate, “Why guaranteed minimum in ICE NOLA detention centers costs taxpayers an extra \$8 million a month,” Davide Mamone, April 23, 2022, https://www.theadvocate.com/acadiana/why-guaranteed-minimum-in-ice-nola-detention-centers-costs-taxpayers-an-extra-8-million-a/article_8e965746-c25a-11ec-aca2-bbf2ff760e24.html; Fox News, “Louisiana the new go-to spot for ICE detainees,” Charles Watson, November 7, 2019, <https://www.foxnews.com/us/louisiana-ice-detainees-immigration-customs-enforcement>.

⁹ USA Spending, “Contract Summary,” last accessed April 26, 2024, https://www.usaspending.gov/award/CONT_AWD_70CDCR24FR0000011_7012_70CDCR20D00000009_7012.

¹⁰ National Immigrant Justice Center, “Testimony Before The Farmville, Virginia, Town Council: End Deadly ICE Detention Agreement,” Jesse Franzblau, July 19, 2021, <https://immigrantjustice.org/staff/blog/testimony-farmville-virginia-town-council-end-deadly-ice-detention-agreement>.

¹¹ National Immigrant Justice Center, “White Paper | Roadmap To Dismantle The U.S. Immigration Detention System,” July 28, 2021, <https://immigrantjustice.org/research-items/white-paper-roadmap-dismantle-us-immigration-detention-system>; Detention Watch Network, spreadsheet, on file with the Office of Senator Elizabeth Warren.

ended contracts with other private ICE facilities, including due to violations of ICE’s detention standards,¹³ and much of the public opposes expensive, privatized immigration detention.¹⁴

While stronger oversight remains critical for all ICE facilities, it is insufficient for facilities that chronically violate applicable standards. DHS’s own oversight bodies — the DHS Office of Inspector General (OIG), Office for Civil Rights Civil Liberties (CRCL), and Office of the Immigration Detention Ombudsman (OIDO) — have recommended closing some facilities altogether.¹⁵ The federal government should not pay private facilities with continuously problematic conditions.

Together, private immigration detention companies make over one billion dollars per year. The two largest companies, GEO Group and CoreCivic (formerly Corrections Corporation of America), dominate the immigration detention market. In 2022, GEO and CoreCivic made a record \$1 billion and \$552 million respectively from ICE contracts — much more than the \$144 million and \$195 million they made in 2014.¹⁶ These profits create financial incentives to lobby for an expansion of ICE’s detention footprint.

For these reasons, we request the following materials:

¹² Reuters, “Exclusive: Biden officials kept immigration jails despite internal cost concerns,” Ted Hesson, September 27, 2023, <https://www.reuters.com/world/us/biden-officials-kept-immigration-jails-despite-internal-cost-concerns-2023-09-27/>; Letter from Director Dana Salvano-Dunn and Assistant General Counsel Susan Mathias to Acting Director Tae Johnson and Principal Legal Advisor John Trasvina, May 4, 2021, https://www.dhs.gov/sites/default/files/2022-08/2021.12.07%20CRCL%20Retention%20Memo%20to%20ICE%20-%20Oversight%20of%20New%20Orleans%20AOR%20-%20Redacted_508.pdf; U.S. Department of Homeland Security, “Management Alert - Immediate Removal of All Detainees from the Torrance County Detention Facility,” March 16, 2022, pp. 3, 10, <https://www.oig.dhs.gov/sites/default/files/assets/2022-05/OIG-22-31-Mar22-mgmtalert.pdf>; Letter from Representative Judy Chu, et al., to Secretary Alejandro Mayorkas, December 18, 2023, https://chu.house.gov/sites/evo-subsites/chu.house.gov/files/evo-media-document/12_21_23_final-letter-to-dhs-urging-closure-of-adelanto-ice-detention-facility-version-4-12-21-2023-02-50-pm.pdf.

¹³ See, e.g., U.S. Immigration and Customs Enforcement, “ICE to close Etowah Detention Center,” press release, March 25, 2022, <https://www.ice.gov/news/releases/ice-close-etowah-detention-center>; The Washington Post, “ICE to stop detaining immigrants at two country jails under federal investigation,” Maria Sacchetti, May 20, 2021, https://www.washingtonpost.com/immigration/ice-detentions-county-jails-halted/2021/05/20/9c0bdd1e-b8de-11eb-a6b1-81296da0339b_story.html.

¹⁴ Data for Progress, “Voters Prefer a Humane Approach to Asylum, View Punitive Measures as Ineffective,” April 25, 2024, <https://www.dataforprogress.org/blog/2024/4/24/voters-prefer-a-humane-approach-to-asylum-view-punitive-measures-as-ineffective>; American Civil Liberties Union, “Two-Thirds of Voters Want to Stop the Expansion of For-Profit Immigrant Detention,” Brian Tashman, January 12, 2022, <https://www.aclu.org/news/civil-liberties/two-thirds-of-voters-want-to-stop-the-expansion-of-for-profit-immigrant-detention>.

¹⁵ See, e.g., Letter from Director Dana Salvano-Dunn and Assistant General Counsel Susan Mathias to Acting Director Tae Johnson and Principal Legal Advisor John Trasvina, May 4, 2021, https://www.dhs.gov/sites/default/files/2022-08/2021.12.07%20CRCL%20Retention%20Memo%20to%20ICE%20-%20Oversight%20of%20New%20Orleans%20AOR%20-%20Redacted_508.pdf; U.S. Department of Homeland Security, “Management Alert - Immediate Removal of All Detainees from the Torrance County Detention Facility,” March 16, 2022, pp. 3, 10, <https://www.oig.dhs.gov/sites/default/files/assets/2022-05/OIG-22-31-Mar22-mgmtalert.pdf>.

¹⁶ Reuters, “Biden vowed to reform immigration detention. Instead, private prisons benefited,” Ted Hesson, Mica Rosenberg, and Kristina Cooke, August 7, 2023, <https://www.reuters.com/world/us/biden-vowed-reform-immigration-detention-instead-private-prisons-benefited-2023-08-07/>; American Civil Liberties Union, “Unchecked Growth: Private Prison Corporations and Immigration Detention, Three Years Into the Biden Administration,” Eunice Hyunhye Cho, August 7, 2023, <https://www.aclu.org/news/immigrants-rights/unchecked-growth-private-prison-corporations-and-immigration-detention-three-years-into-the-biden-administration>; Migration Policy Institute, “Profiting from Enforcement: The Role of Private Prisons in U.S. Immigration Detention,” Livia Luan, May 2, 2018, <https://www.migrationpolicy.org/article/profitting-enforcement-role-private-prisons-us-immigration-detention>.

1. Unredacted copies of the most recent contracts for the Adelanto, Torrance, Farmville, and Winn detention facilities, including all memoranda, renewals, modification forms, and amendments.
2. Timeline for ending contracts with or reducing capacity for the Adelanto, Torrance, Farmville, and Winn detention facilities. If there is no current timeline, please provide an explanation as to why.
3. A complete list of all ICE detention facilities and indicate whether they are privately or publicly operated.
 - a. Please indicate the operating company/agency and the guaranteed minimum capacity for each facility.
 - b. For private facilities, please indicate ICE's cost to the operator and the contract end date.
 - c. Please indicate whether the private facility was previously used by Department of Justice's Bureau of Prisons or U.S. Marshals Service.

Every immigrant deserves to be treated with dignity. Upon termination of contracts, ICE should pursue community-based alternatives to detention, which provide immigrants with resources that help them integrate into their communities and stay with their families. We do not support a system that detains people in inhumane conditions that result in long-term medical issues, psychological trauma, and sometimes death.¹⁷ We urge that these facilities be shut down, in a step towards building an immigration system that welcomes and respects migrants.

Thank you for your attention to this critical matter. We look forward to receiving the requested materials.

Sincerely,

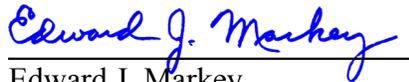


Elizabeth Warren
United States Senator



Alex Padilla
United States Senator

¹⁷ National Immigrant Justice Center, "Beyond Repair: ICE's Abusive Detention Inspection and Oversight System," November 2023, p. 4, https://immigrantjustice.org/sites/default/files/content-type/research-item/documents/2023-11/NIJC-Policy-brief_ICE-detention-inspections_November2023.pdf.


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