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Congress of the United States  
House of Representatives  
Committee on Appropriations  
Washington, DC 20515-6015

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July 12, 2019

SHALANDA YOUNG  
CLERK AND STAFF DIRECTOR  
(202) 225-2771

Mr. Matthew Albence  
Acting Director  
Immigration and Customs Enforcement  
Department of Homeland Security  
500 12th Street, SW  
Washington, D.C. 20536

Dear Director Albence:

I am writing to express my significant concerns about the impending U.S. Immigration and Customs Enforcement (ICE) interior enforcement actions targeting families, which have received significant media attention since President Trump first announced several weeks ago that they would be forthcoming.

Based on media reports, ICE intends to target families who have been issued orders of removal, including many who were issued such orders *in absentia*. Lack of attendance at an immigration court hearing, however, can result from several different circumstances, including a migrant's lack of understanding of their rights and responsibilities and inaccurate address records that lead to a migrant not receiving a notice to appear at a court hearing. The laws, regulations, processes, and operations that make up the immigration enforcement system are extremely complex, so it is not surprising that when noncitizens are represented by legal counsel, they are more likely to appear for their immigration court proceedings<sup>1</sup> and are twelve times as likely to succeed in their underlying case.<sup>2</sup> To ensure that those who are fleeing persecution receive the refuge that we are both morally obligated and legally bound to provide under our asylum laws, ICE must do more

<sup>1</sup> For example, see Cathryn Costello and Esra Kaytaz, *Building Empirical Evidence into Alternatives to Detention: Perceptions of Asylum-Seekers and Refugees in Toronto and Geneva*, Geneva: UNHCR, 2013, p. 24 (<http://www.refworld.org/pdfid/51a6fec84.pdf>, p. 15); Vera Institute of Justice, "Testing Community Supervision for the INS: An Evaluation of the Appearance Assistance Program," New York: Vera Institute of Justice, 2000, p. 7 (<https://www.vera.org/publications/testing-community-supervision-for-the-ins-an-evaluation-of-the-appearance-assistance-program>, calling representation by counsel one of the most consistent factors that determines whether a noncitizen will comply with hearing requirements); Jesuit Refugee Service Europe, *From Deprivation to Liberty: Alternatives to Detention in Belgium, Germany and The United Kingdom*, Brussels: JRS Group, 2011, p. 38-40 ([https://jrseurope.org/assets/Sections/Downloads/JRS%20EUR%20ATD%20report\\_FINAL\\_13Dec2011.pdf](https://jrseurope.org/assets/Sections/Downloads/JRS%20EUR%20ATD%20report_FINAL_13Dec2011.pdf)).

<sup>2</sup> For example, see Dara Lind, A New York Courtroom Gave Every Detained Immigrant a Lawyer. The Results Were Staggering, *Vox*, Nov. 9, 2017 (<https://www.vox.com/policy-and-politics/2017/11/9/16623906/immigration-court-lawyer>).

to ensure that enforcement processes and activities are not impediments to providing due process to asylum seekers.

As you prepare to execute large-scale, targeted interior enforcement operations, I have several questions about how ICE personnel will ensure that migrants they take into custody, especially children and other vulnerable populations, fully understand the detention and removal process, are treated humanely and with dignity, and are afforded meaningful opportunities to meet with an attorney before being removed from the United States.

As you are aware, I have invited you to testify before the House Appropriations Subcommittee on Homeland Security on Thursday, July 25, 2019. Prior to that hearing, please submit for the hearing record the written policies, guidance, operating procedures, and any other related documentation and memoranda that are provided to officers and agents that relate to:

- preventing the detention of United States citizens, including minor children;
- ensuring that each migrant is provided with information on and understands his or her rights and responsibilities, including efforts to ensure such information is provided in a language in which the migrant is conversant;
- the treatment of and accommodation requirements for children, especially those who will be separated from their parents because of ICE enforcement activity; and
- ensuring meaningful access to legal counsel, including prior to the removal of migrants with final orders of removal.

Documents classified by ICE as “for official use only” or “law enforcement sensitive” should be provided to the subcommittee but will not be included in the public hearing record.

Further, I am interested to learn how ICE leadership ensures that its personnel adhere to policies and guidance for enforcement activities. Please be prepared to describe at the July 25 hearing any training provided to ICE officers and agents on how to conduct interior enforcement operations, including the frequency of such training; and any audits or after-action reviews carried out to evaluate personnel compliance.

I look forward to discussing these and other issues with you at our upcoming hearing. Please do not hesitate to contact me or my staff with any questions.

Sincerely,



LUCILLE ROYBAL-ALLARD

Chairwoman

Subcommittee on Homeland Security