



Statement for the Record from

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**Submitted to the House Judiciary, Immigration and Citizenship Subcommittee
Hearing on The Expansion and Troubling Use of ICE Detention**

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United We Dream is the largest immigrant youth-led network in the United States. We create welcoming spaces for young people—regardless of immigration status—to support, engage, and empower them to make their voices heard and win. We have an online reach of five million and are made of a powerful membership of 500,000 members and 112 local groups across 28 states. Over 60 percent of our members are women and 20 percent identify as LGBTQ.

Led by and accountable to youth leadership, United We Dream advocates for a multi-racial democracy where immigrants and communities of color live safely, with dignity and can thrive.

We appreciate the Subcommittee for acknowledging the wrong being carried out by Immigration and Customs Enforcement (ICE) to immigrants at these detention centers by holding this hearing. It is an important step forward in holding this administration accountable for their cruel misdeeds and marks a departure from the cruel status quo that has enabled the incarceration of immigrants in this country for far too long.

Under the Trump administration, immigrant youth, their families, and communities of color have experienced firsthand the impact of white supremacist immigration enforcement and criminal legal systems. Inherently institutionally racist in nature, the Trump administration mercilessly expanded these systems and unleashed their full force as a single, unified deportation force acting upon vulnerable communities. At the border, the implementation of cruel and unnecessary policies [including MPP (Migrant Protection Policy) and Zero Tolerance] has caused irreparable harm to those seeking refuge and a better life in our country, and has allowed ICE and CBP (Customs and Border Protection) now operates, serving as the frontline in a war on immigrants and communities of color.

This statement addresses the need made all the clearer by ICE and CBP's wrongdoings, to end immigrant detention and deportations. This will ensure their abuse of power and illegal activities are stopped and we can turn our attention to helping people without harming people. We urge all of Congress to defund ICE and CBP, enact accountability measures to stop their abuses of power, and to enact permanent protections for all immigrants that are not tied to added resources for detentions, deportations, or further border militarization.

Today's hearing is a step in the right direction towards exposing ICE and CBP, agencies that have torn families apart and sowed fear in our communities. We especially appreciate the inclusion of three directly impacted witnesses to testify at the hearing regarding their experiences at the hands of ICE. It is important to hear from those directly impacted by these atrocious policies.

Various reports by the Department of Homeland Security (DHS) Office of Inspector General¹ detail the inhumane conditions in which asylees and refugees are kept in detention. The conditions themselves are grotesque, and detention itself is unnecessary, given that asylum seekers show up for their immigration hearings if released². Family separation, an intended consequence of the zero tolerance policy, is considered unlawful³ by the United Nations. This indiscriminate detention adds to a harmful and dangerous narrative which paints all immigrants as criminals. We urge Congress to refuse any additional funding to ICE and CBP, but in fact to decrease their funding. Additionally, Congress must restrict DHS' authority to transfer funds to the agencies of ICE and CBP that enables increased detentions and deportations as well as including stopgaps in their ability to overspend beyond their congressionally allotted budget.

United We Dream, supported by our members, opposes any increases to ICE or CBP's budget or any policy that further endangers or maligns our communities, including those who only hope to find a safe haven in this country.

Our priorities are to ensure the safety and humane treatment of anyone who seeks to enter the United States as well as pursuing our communities' freedom to move and freedom to stay, regardless of immigration status. Policies such as the zero tolerance policy which mandates the detention of anyone who crosses the border without previous authorization are a twisted attempt to deter migration that only result in the mass incarceration and increased deportations of migrants and asylum seekers. This is unnecessary and an abuse of power implemented under the auspices of deterrence for further immigration.⁴ It also exacerbates the inhumane conditions in detention camps by increasing the number of detainees to unprecedented levels.

This increase in detention caused by this administration's own gratuitously cruel and arbitrary policies have served as the Administration's backward rationale that more money is necessary to detain more people; it has been a deadly cycle that has contributed to DHS' ever-growing presupposed need for larger budgets. They have demanded more funding and we have fought

¹ Concerns about ICE Detainee Treatment and Care at Four Detention Facilities, June, 2019.

<https://www.oig.dhs.gov/sites/default/files/assets/2019-06/OIG-19-47-Jun19.pdf>

Management Alert – DHS Needs to Address Dangerous Overcrowding and Prolonged Detention of Children and Adults in the Rio Grande Valley (Redacted), July, 2019.

https://www.oig.dhs.gov/sites/default/files/assets/2019-07/OIG-19-51-Jul19_.pdf

² FACT CHECK: Asylum Seekers Regularly Attend Immigration Court Hearings.

<https://www.humanrightsfirst.org/resource/fact-check-asylum-seekers-regularly-attend-immigration-court-hearings>

³ "Taking Migrant Children From Parents Is Illegal, U.N. Tells U.S." The New York Times, June 5, 2018

<https://www.nytimes.com/2018/06/05/world/americas/us-un-migrant-children-families.html>

⁴ "Here are the administration officials who have said that family separation is meant as a deterrent." Bump, Phillip. June 19, 2018.

<https://www.washingtonpost.com/news/politics/wp/2018/06/19/here-are-the-administration-officials-who-have-said-that-family-separation-is-meant-as-a-deterrent/>

against additional funds at every step of the budget negotiations and through every avenue permitted to them. In the past year alone, their budget has been increased by billions through appropriations (by \$874,514 between 2018 and 2019⁵), anomalies (at least \$41.6 million⁶), supplemental budgets (\$4.5 billion⁷), and the process of exception apportionments which has enabled budget advances (\$200 million), not to mention the transfers of funds between DHS agencies (\$10 million from FEMA)⁸.

These funds are only used to further their new defacto mission to deter immigration by terrorizing our communities. This administration, fueled by its white supremacist agenda, has attempted to end all migration from certain parts of the globe by enacting bans⁹, ending protection programs¹⁰, decreasing refugee admissions and other avenues of entry, causing undue burden on not only aspiring immigrants but their legal resident and citizen loved ones¹¹. The current administration has also attempted to deter migration and access to asylum by enacting inhumane policies through targeting and detention of community members¹², raids in the workplace¹³ and other previously considered sensitive locations¹⁴ such as schools, courthouses and hospitals, as well as U.S. Customs and Immigration Services (USCIS) offices¹⁵.

In our 2019 report, *The Truth About ICE and CBP*, we tell the stories of those directly impacted by the attacks carried out by ICE. Guadalupe Garcia was arrested by ICE in early 2017 at one of her USCIS check-ins and consequently deported, as well as her mother, who was also arrested and deported for going to her regular USCIS check-in a year later. Another case featured in the report is that of Miguel Reyes Garcia, a DACA recipient arrested by ICE on his way to get coffee.

⁵ FY 2019 Budget in Brief, pg 11. <https://www.dhs.gov/sites/default/files/publications/DHS%20BIB%202019.pdf>

⁶ Department of Homeland Security U.S. Immigration and Customs Enforcement Budget Overview - Fiscal Year 2018 <https://www.dhs.gov/sites/default/files/publications/ICE%20FY18%20Budget.pdf>

⁷ "The furious, last-minute fight over the House and Senate border aid bills, explained." Vox, Jun 27, 2019 <https://www.vox.com/policy-and-politics/2019/6/27/18761674/house-passes-senate-border-relief-bill>

⁸ "It's not just FEMA: ICE quietly got an extra \$200 million." CNN, September 12, 2018. <https://www.cnn.com/2018/09/12/politics/ice-more-money-fema-dhs/index.html>

⁹ Timeline of the Muslim Ban. <https://www.aclu-wa.org/pages/timeline-muslim-ban>

¹⁰ Trump Moves to End DACA and Calls on Congress to Act. New York Times, Sept 2017.

<https://www.nytimes.com/2017/09/05/us/politics/trump-daca-dreamers-immigration.html>

Trump administration puts end of TPS on hold for Hondurans and Nepalis. Vox, Mar 12, 2019.

<https://www.vox.com/policy-and-politics/2019/3/12/18262314/tps-honduras-nepal-lawsuit-news-status>

¹¹ All the ways President Trump is cutting legal immigration." USAToday, June 12, 2018

<https://www.usatoday.com/story/news/world/2018/06/12/donald-trump-cutting-legal-immigration/692447002/>

¹² More Than 2,000 Migrants Were Targeted in Raids. 35 Were Arrested. The New York Times, July 23, 2019.

<https://www.nytimes.com/2019/07/23/us/ice-raids-apprehensions.html>

¹³ "680 undocumented workers arrested in record-setting immigration sweep on the first day of school." CNN, August 9, 2019 <https://www.cnn.com/2019/08/08/us/mississippi-immigration-raids-children/index.html>

¹⁴ "Arresting immigrants at schools, hospitals and courthouses isn't just cold-hearted, it's counterproductive" Los Angeles Times, Mar 16, 2017.

<https://www.latimes.com/opinion/editorials/la-ed-trump-ice-courts-20170316-story.html>

¹⁵ "ICE continues to Arrest Immigrants at their Hearings for Legal Residency." Pacific Standard, June 5, 2019.

<https://psmag.com/social-justice/ice-continues-to-arrest-immigrants-at-their-hearings-for-legal-residency-status>

When presented with his work permit, “ICE instead confiscated [it], destroyed it, and arrested him.” At a courthouse, shortly after being granted a protective order by a judge and eligible for a U visa, Irvin Gonzalez, a transgender woman was arrested by ICE.¹⁶

Innumerable reports, have revealed the mistreatment of migrants at ICE detention camps. Children being made to take care of each other, go through their days in soiled clothing, not being fed nutritious meals or sufficient amounts, not receiving adequate medical care if any, being denied educational and recreational activities, and eventually dying in the care of these agencies are only the beginning of these agencies criminal neglect¹⁷. Adults in detention are treated just as terribly, being put in solitary confinement¹⁸; being denied medical care; female hygiene products and medical care’ and also dying inside these camps¹⁹. The list of indecencies and inhumanity is long and should be sufficient reason to disband ICE altogether.

United We Dream’s report, *The Truth About ICE and CBP: A Comprehensive Analysis of the Devastating Human Impact of the Deportation Force by the Immigrant Youth & Families Who Know It Best*, provides a comprehensive overview of the expansive increase in enforcement under this administration. United We Dream has also regularly conducted surveys of thousands of DACA recipients, collecting and analyzing data points on economic gains, attitudes, and other metrics. We submit both reports for the record as part of this statement.

However, beyond the mistreatment of people, this administration’s actions and rhetoric serves to add to a dangerous narrative that immigrants are criminals. Our immigration system is shamefully tied with our criminal legal system, from increased criminal prosecutions for immigration-related offenses by the federal government; racial profiling, arrest, killings, and prosecution of Black and brown people by state and local enforcement (and collateral immigration consequences); to the double-standard for immigrants in terms of rehabilitation and post-conviction relief. The criminal legal system works in tandem with our civil immigration system to disqualify individuals from relief and future immigration relief cannot exacerbate this poisonous dynamic.

In August, the mass shooting in El Paso, where a white supremacist specifically targeted Latinos²⁰ and the Mississippi ICE raids that abducted nearly 700 individuals and tore families apart²¹,

¹⁶ <https://unitedwedream.org/wp-content/uploads/2019/02/TheTruthICECBP-02052019-v3.pdf>

¹⁷ “Mother whose toddler died after Ice detention speaks out in emotional testimony” The Guardian. <https://www.theguardian.com/us-news/2019/jul/10/house-hearing-migrant-children-detention-facilities>

¹⁸ “The Capricious Use of Solitary Confinement Against Detained Immigrants.” The Atlantic, Sept 6, 2019. <https://www.theatlantic.com/politics/archive/2019/09/ice-uses-solitary-confinement-among-detained-immigrants/597433/>

¹⁹ “24 immigrants have died in ICE custody during the Trump administration.” NBC, June 9, 2019. <https://www.nbcnews.com/politics/immigration/24-immigrants-have-died-ice-custody-during-trump-administrati-on-n1015291>

²⁰ “The El Paso shooter told police that he was targeting Mexicans.” Vox, Aug 9, 2019. <https://www.vox.com/2019/8/6/20756750/el-paso-shooter-targeted-latinx-walmart>

shook our communities to the core and the need for a change in narrative has been made saliently important. Giving ICE and CBP more money so they can ramp up their mission to terrorize and imprison Black and brown people will only serve to stoke the racial-animus already rampant in the country.

While all these atrocities are happening, it is imperative that we hear from those directly impacted by such policies. UWD deeply appreciates the care and thoughtfulness this subcommittee has shown in featuring those voices along with allies who are serving our communities. This hearing contributes to the effort and aids in our fight to decriminalize immigration and create a world where we can all be free.

Future immigration legislation must not contain onerous interior or border enforcement provisions; further criminalize immigrants; expand the nation's deportation apparatus; continue or expand the funding of immigration enforcement; or close off our immigration system to future immigrants, especially Black and brown immigrants. Specifically, in terms of enforcement, legislation providing permanent protection for immigrant youth must not: (a) fund additional ICE or CBP agents; (b) foster the expansion or continuation of our nation's sprawling and inhumane network of detention camps; (c) further criminalize immigrants by expanding the grounds of inadmissibility or deportability; or (d) continue the ongoing militarization of the border. In terms of benefits, legislation must not: (a) eliminate legal paths to immigration, including the diversity visa, sibling visa category, or other family-based immigration paths; (b) gut our nation's humanitarian forms of relief, including asylum; or (c) prohibit immigrant youth who receive relief from sponsoring their parents or other relatives in the future.

With all of this in mind, Congress must reject any increase in funding to ICE and CBP; it should in fact defund their activities, decrease their overall funding, and end DHS' authority to transfer funds to these agencies in the upcoming federal budget. We will oppose any attempts to allocate extra funds to ICE and CBP, and we will continue to expose their abuses of our people. Immigrant youth feel and experience the terror inflicted upon our communities.

In spite of relentless assault on immigrant freedoms, we along with our families have organized in the streets and all levels of government and have delivered a stinging rebuke to this administration—that no matter how fervent its commitment to xenophobia, racism, and criminalization, immigrants are #HereToStay.

We will keep organizing and building until every member of our community is protected and can thrive.

²¹ "680 undocumented workers arrested in record-setting immigration sweep on the first day of school." CNN, August 9, 2019 <https://www.cnn.com/2019/08/08/us/mississippi-immigration-raids-children/index.html>