

Congress of the United States
House of Representatives
Washington, DC 20515-0535
February 04, 2016

The Honorable Jeh Johnson
Secretary
U.S. Department of Homeland Security
Washington, DC 20528

The Honorable Loretta Lynch
Attorney General
U.S. Department of Justice
Washington, DC 20530

Dear Secretary Jeh Johnson and Attorney General Loretta Lynch,

We write to express our concerns regarding the recent raids carried out by Immigration and Customs Enforcement (ICE) targeting Central American families and children. As you are aware, the Washington Post reported on December 23, 2015 that the Department of Homeland Security (DHS) was planning immigration raids against women and children from Guatemala, Honduras and El Salvador. ICE began conducting those raids on Saturday, January 2, 2016. While immigration raids and deportation proceedings against this vulnerable population have already begun, it is not too late for them to end.

The mothers and children who have been taken from their homes represent an extremely vulnerable population. These are families that fled to the U.S. seeking refuge from forced gang recruitment, domestic violence, and extortion in some of the most dangerous countries in the world. Many have traveled hundreds of miles through dangerous conditions to bring children to safety. We must take every precaution to ensure that we are not sending them back to persecution, exploitation, or abuse.

Yet, we have received no assurances that ICE is carrying out these raids in a manner that is consistent with our values or our laws. The raids are happening so quickly as to preclude ICE and other authorities from taking appropriate steps to ensure that families obtain effective access to counsel and full due process protections prior to deportation. For example, we have received information that pro bono attorneys report that 5 of the 6 families apprehended over the weekend of January 2-3 were granted emergency stays of removal based on ineffective assistance of counsel.

Additionally, it has come to our attention that a substantial proportion of the Central American parents and children who have sought refuge in the U.S. are suffering from severe symptoms of post-traumatic stress disorder (PTSD), generalized anxiety, and depression. Consequently, we are concerned that many of the Central American refugee families targeted by DHS raids are disabled, as defined by the Rehabilitation Act of 1973.

Under the American Disabilities Act, PTSD and other trauma-related conditions are considered disabilities. As such, we are concerned that raids and removal proceedings, both of which are federal programs, are not taking the disabilities of these women and children into account. It is deeply troubling to hear that DHS officials and government contractors do not have thoughtful discharge plans, or a way to screen cases of Central American refugee women and children to ensure that those suffering from serious illnesses such as PTSD have the guidance they need to understand and maneuver through their complicated immigration proceedings.

We support the requests of disability, veteran, immigration, faith-based, labor, and other advocates that your departments:

1. immediately suspend raids against Central American women and children who may be disabled;
2. review the cases of women and children targeted for DHS raids and confirm that their removal orders were not obtained in violation of the Rehabilitation Act (The Rehabilitation Act applies to removal proceedings and requires reasonable modifications for disabled respondents);
3. screen cases of Central American refugees to ensure that those who are disabled have access to counsel as they are unable to represent themselves in asylum processing and removal proceedings; and
4. provide notice in writing to each individual or family found to have a disability so that they may surrender for removal prior to the government conducting a raid.

The continued arrival of Central American mothers and children at our Southwest border is a humanitarian issue, and we expect the U.S. government to respond in a humane manner.

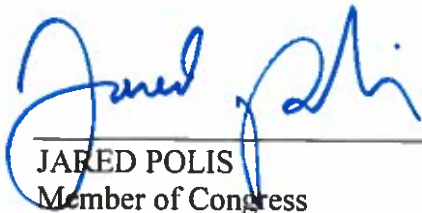
Sincerely,



NORMA J. TORRES
Member of Congress



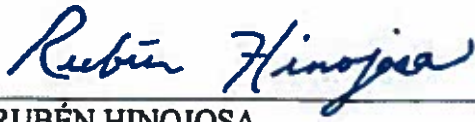
ROSA L. DELAURO
Member of Congress



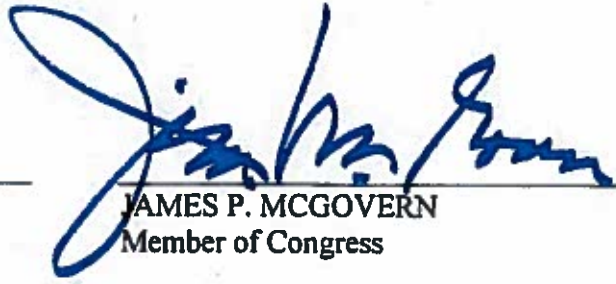
JARED POLIS
Member of Congress



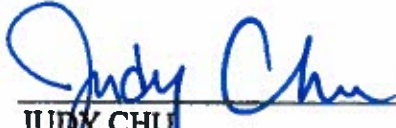
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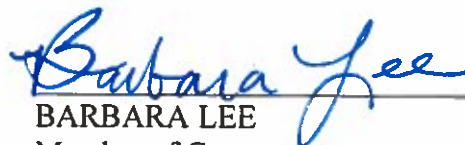
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