

Congress of the United States
Washington, DC 20515

December 20, 2022

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
Washington, DC 20528

Dear Secretary Mayorkas,

As members of the Congressional delegation from Pennsylvania, we urge you to halt the process of expanding Immigration and Customs Enforcement (ICE) detention in our state, consistent with the spirit of President Biden's Executive Order on eliminating the use of privately operated criminal detention facilities.¹ Approximately 80% of individuals in ICE custody are detained in private facilities.² Private prison operators and ICE should not be allowed to fill beds made empty by the application of the Executive Order to Bureau of Prisons with immigrants in ICE custody.³ The Department of Homeland Security should certainly not be enabling the practice. Accordingly, we respectfully request that you terminate ICE's contract for the Moshannon Valley Processing Center and decline to locate future ICE detention facilities in Pennsylvania.

DHS's decision to enter into a contract with GEO Group to operate the Moshannon Valley Processing Center has created the largest ICE detention center in the Northeast.⁴ Not only does DHS's decision contravene President Biden's Executive Order by converting a facility subject to the Executive Order into an ICE detention facility, but it also enables GEO Group to perpetuate dubious and problematic practices that are subject to legal challenges elsewhere.⁵ This includes GEO Group's well-known \$1 a day "voluntary work program," which a federal court has found to have violated at least one state's minimum wage laws and is being challenged in other states.⁶

¹ Exec. Order No. 14006, 86 Fed. Reg. 7483 (Jan. 29, 2021), <https://www.federalregister.gov/d/2021-02070>.

² See Eunice Cho, Am. Civil Liberties Union, *More of the Same: Private Prison Corporations and Immigration Detention Under the Biden Administration 2* (Oct. 5, 2021), https://www.aclu.org/sites/default/files/field_document/2021.10.07_private_prisons_and_ice_detention_blog-factsheet_003.pdf.

³ *Id.* at 1.

⁴ Vanessa Stine & Erika Guadalupe Núñez, *A Bad Deal: A Proposal In Clearfield County Would Allow Biden Administration To Expand Immigration Detention In PA*, Am. Civil Liberties Union of PA (Nov. 3, 2021 11:30AM), <https://www.aclupa.org/en/news/bad-deal-proposal-clearfield-county-would-allow-biden-administration-expand-immigration>.

⁵ Kelsey Rogers, *Feds Decide Not to Renew Moshannon Valley Correction Center Contract*, WTAJ (Jan. 21, 2021), <https://www.wearecentralpa.com/news/feds-decide-to-not-renew-moshannon-valley-prison-contract/>.

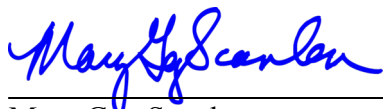
⁶ Press Release, Office of Attorney Gen., Washington State, *Ag Ferguson: Jury Finds Geo, For-Profit Operator of Tacoma Ice Detention Center, Must Pay Detainee Workers Minimum Wage* (Oct. 27, 2021) <https://www.atg.wa.gov/news/news-releases/ag-ferguson-jury-finds-geo-profit-operator-tacoma-ice-detention-center-must-pay>; see *Novoa v. GEO Group*, 5:17-cv-02514 (C.D. Cal Aug. 6, 2021) (challenge to GEO's "voluntary work program" in California).

Additionally, private immigration detention facilities run by GEO Group regularly mistreat individuals in their custody, subjecting them to physical and verbal racist abuse.⁷ ICE does not hold private contract detention facilities accountable for failing to meet quality assurance standards, and when it does, it often grants waivers exempting the facilities from having to meet them.⁸

It is already difficult for detained individuals to secure counsel for their immigration proceedings, especially when facilities are located in more rural areas similar to the Moshannon Valley Processing Center. The farther away facilities are from urban centers, the less likely there are to be attorneys and legal services organizations capable of providing pro bono representation.⁹ The lack of such services has a significant, negative impact on the ability of detainees to successfully prosecute their asylum and other legal claims. In addition to attorneys, more isolated locations also create barriers to accessing interpreters and family visits. It also limits access to sufficient medical, religious, and other necessary care.

Thank you for your consideration of this issue and please do not hesitate to reach out with any questions.

Sincerely,



Mary Gay Scanlon
Member of Congress



Dwight Evans
Member of Congress

⁷ Vinny Vella, et al., *Delco jail chief faces new scrutiny - With Democratic election sweep in county, he faces uncertain future amid allegations of racism, abuse of power*, Philadelphia Inquirer, Nov. 10, 2019, at A1, <https://www.inquirer.com/news/george-hill-jail-john-reilly-delaware-county-pennsylvania-n-word-geo-group-20191108.html>.

⁸ Office of Inspector General, Dep't of Homeland Sec., OIG-19-18, *ICE Does Not Fully Use Contracting Tools to Hold Detention Facility Contractors Accountable for Failing to Meet Performance Standards* (Jan. 29, 2019), <https://www.oig.dhs.gov/sites/default/files/assets/2019-02/OIG-19-18-Jan19.pdf>.

⁹ ACLU, Human Rights Watch, and National Immigrant Justice Center (NIJC), *Justice Free Zones: U.S. Immigration Detention Under the Trump Administration* (2020), 20, <https://www.aclu.org/report/justice-free-zones-us-immigration-detention-under-trump-administration>.