

United States Senate

WASHINGTON, DC 20510

July 31, 2015

The Honorable Jeh Johnson
Secretary of the Department of Homeland Security
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Johnson:

As Ranking Members of the Senate Committee on the Judiciary and the Senate Committee on Health, Education, Labor, and Pensions, which have jurisdiction over matters related to immigration and the general welfare of the public, we write to you again to express our concern with the Department of Homeland Security's continued practice of detaining asylum-seeking mothers and children who pose no flight risk or danger to the community. The detention of these mothers and children is inconsistent with our most fundamental values as a nation.

We were encouraged to see the recent decision by the United States District Court of the Central District of California holding that the settlement from the 1997 *Flores v. Reno* case also applies to minors apprehended with a parent. The *Flores* agreement, which requires that children be released to a parent wherever possible and otherwise held in the least restrictive setting appropriate to their age and needs, rightly forbids the Department from holding a child in a secure facility or in a facility that is not licensed for the care of children. The Karnes and Dilley detention facilities clearly do not meet these standards and we urge you to release the children and their mothers without delay.

While we appreciate your ongoing efforts to improve the conditions of detention, we are moved by the strong evidence that detention of young children, particularly those who have experienced significant trauma, is detrimental to their development and physical and mental health. We are further concerned with the exorbitant costs associated with the family detention policy. The average cost of maintaining a single family detention bed at Dilley is \$343 a day, meaning the 2,400 bed facility costs more than \$820,000 a day to operate. However, the average cost of alternatives to detention is \$0.17 to \$21 per day. As stewards of taxpayer dollars, we believe it is irresponsible for the Department to expend \$820,000 per day when effective, less expensive and more humane alternatives are available.

The presumptive detention of families is a flawed policy. Most of the families currently detained traveled to the United States seeking refuge from three of the most dangerous countries in the world, countries where women and girls face shocking rates of domestic and sexual violence and gender violence, including murder. Treating these vulnerable women and children like criminals is simply wrong. Detention should only be used as a last resort, when there is a significant risk of

The Honorable Jeh Johnson
July 31, 2015
Page 2 of 2

flight or a serious threat to public safety or national security and only when alternatives to detention cannot mitigate the risk. We urge you to end the practice and comply with the court's order without delay.

Sincerely,



PATRICK LEAHY
United States Senator



PATTY MURRAY
United States Senator