

Congress of the United States
Washington, DC 20510

November 19, 2020

Tony H. Pham
Senior Official Performing the Duties of the Director
U.S. Department of Homeland Security
U.S. Immigration and Customs Enforcement
500 12th Street SW
Washington, D.C. 20526

Joseph V. Cuffari
Inspector General
U.S. Department of Homeland Security
Office of the Inspector General
245 Murray Lane SW
Washington, D.C. 20528

Eric S. Dreiband
Assistant Attorney General
U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue NW
Washington, D.C. 20530

Christopher Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, D.C. 20535

Dear Mr. Pham, Inspector General Cuffari, Assistant Attorney General Dreiband, and Director Wray:

We write to request that the Department of Homeland Security (DHS) and Immigration and Customs Enforcement (ICE) immediately stay the removal of witnesses in the investigations into the provision of medical care at the Irwin County Detention Center (ICDC) in Ocilla, Georgia.

At least eighteen women who were patients of Dr. Mahendra Amin remain detained at ICDC, and seven are currently at risk for removal. These women may provide crucial evidence to support ongoing investigations, and many allege that they are victims of disturbing forced medical procedures by Dr. Amin while in ICE's custody and care. DHS and ICE have an obligation to ensure these women are given an opportunity to cooperate with law enforcement. Any removal of these witnesses could constitute interference with these investigations. In addition to staying these removals, we request that relevant law enforcement agencies provide I-918 Supplement B certification for any victim at ICDC who has provided or subsequently provides helpful evidence or testimony in these investigations, including victims who have already been deported, so that these witnesses have the opportunity to submit applications for U nonimmigrant status. Upon receipt of their application for U nonimmigrant status by U.S. Citizenship and Immigration Services (USCIS), each must have their removal cases stayed and be immediately released from detention.

Since the initial whistleblower complaint, more women have come forward to report unnecessary and non-consensual medical procedures while detained at ICDC. In all, more than 43 women have reportedly alleged that they underwent nonconsensual and/or medically unnecessary

gynecological procedures while detained at ICDC.¹ The DHS Office of the Inspector General has reportedly opened an investigation into these allegations, and the Department of Justice Civil Rights Division and the Federal Bureau of Investigation have reportedly opened parallel criminal investigations.² Additionally, an independent group of medical experts have preliminarily found that many of these procedures were unnecessary and performed without informed consent.³

Despite these ongoing investigations, at least six victims of the alleged nonconsensual, unnecessary, and potentially sterilizing gynecological procedures have reportedly been deported.⁴ Alma Bowman and Ana Cajigal Adan, key witnesses, have apparently come close to being deported.⁵ At least seven others are at imminent risk of deportation, despite the fact that investigators have not yet spoken to them.⁶ Out of the eighteen detained women at ICDC who say they have been victimized by Dr. Amin, only three have reportedly received an investigation interview request.

Deporting these witnesses—especially when none of them have received independent physical or mental health evaluations by medical experts—may amount to a *de facto* destruction of evidence, as doing so substantially impedes the ability of these women to testify in any potential criminal or civil action. The deportation of potential witnesses interferes with law enforcement’s ability to engage in meaningful review of alleged criminal acts. Because these women have provided or are willing to provide useful assistance in a criminal investigation, they may be eligible for U nonimmigrant status.

To remedy this situation, we request that you take the following six measures:

- Immediately stay the removal of all women who have reported or witnessed allegations of medical abuse suffered while detained in ICDC. Doing so merely complies with existing DHS guidance that a noncitizen participating in an active investigation should not be removed during the pendency of that investigation.⁷
- Immediately stay the removal of all women who have had any appointments, consultations, or surgeries with Dr. Amin, unless they affirm in writing following consultation with counsel that they decline to participate in the investigation. Notify each

¹ Adolfo Flores, ICE Is Trying to Deport Immigrant Women Who Witnessed Alleged Misconduct by a Gynecologist, Attorneys Say, BuzzFeed News (Nov. 11, 2020), <https://www.buzzfeednews.com/article/adolfoflores/ice-deporting-gynecologist-witnesses>.

² *Id.*

³ Michelle Hackman & Alicia A. Caldwell, Pattern of Unnecessary Gynecological Treatments Identified at Georgia ICE Facility, Wall Street Journal (Oct. 27, 2020), <https://www.wsj.com/articles/pattern-of-unnecessary-gynecological-treatments-identified-at-georgia-ice-facility-11603803379>.

⁴ Nomaan Merchant, US Deports Migrant Women Who Alleged Abuse by Georgia Doctor, Associated Press (Nov. 11, 2020), <https://apnews.com/article/us-deports-migrant-women-georgia-doctor-b6a5fc1e2d4a822eb3767f9a858ea670>.

⁵ John Washington & José Olivares, ICE Medical Misconduct Witness Slated for Deportation Is a U.S. Citizen, Says Lawyer, The Intercept (Nov. 2, 2020), <https://theintercept.com/2020/11/02/ice-medical-misconduct-us-citizen-deportation/>; Gianna Toboni, Ana Sebescen, & Nicole Bozorgmir, ICE Attempts to Deport Multiple Witnesses in Gynecologic Surgery Scandal, VICE (Nov. 5, 2020), <https://www.vice.com/en/article/jgqq7p/ice-attempts-to-deport-multiple-witnesses-in-gynecologic-surgery-scandal>.

⁶ See *supra* note 1.

⁷ See Immigration and Customs Enforcement, Prosecutorial Discretion: Certain Victims, Witnesses, and Plaintiffs (Jun. 17, 2011), <https://www.ice.gov/doclib/foia/prosecutorial-discretion/certain-victims-witnesses-plaintiffs.pdf>.

of these women in writing by no later than November 20, 2020 that their removal has been stayed because of their potential participation in this investigation.

- Immediately create a clear and transparent process by which all women detained at ICDC who have reported or witnessed medical abuse at ICDC can identify themselves to federal investigators as witnesses.
- Publicly commit to interviewing all women who submit medical records and/or testimony that credibly alleges medical abuse.
- Provide certifications for each woman who has reported allegations of medical abuse suffered while detained in ICDC, has been the victim of qualifying criminal activity, and has been helpful to officials in the investigation of that criminal activity for purposes of a U visa. Those who still remain in the United States should be granted stays of removal, and released from detention pending their application for U nonimmigrant status being received by U.S. Citizenship and Immigration Services (USCIS).
- Those who have been deported should be granted parole into the United States,⁸ and likewise be permitted to reopen their removal orders while they pursue U nonimmigrant status.
- Immediately release every woman who has reported relevant allegations of medical abuse suffered while detained in ICDC, in anticipation of their receipt of U nonimmigrant status.

If you have any questions or would like to discuss compliance with this request, please contact Alex Mechanick with Senator Blumenthal's office at Alex_Mechanick@blumenthal.senate.gov, Ellie Roberts with Senator Merkley's office at Ellie_Roberts@merkley.senate.gov, Jennifer Chan with Representative Jayapal's office at Jennifer.Chan@mail.house.gov and Gerardo Bonilla Chavez with Representative Ocasio-Cortez' office at Gerardo.Bonilla@mail.house.gov.

Sincerely,

Jeffrey A. Merkley
United States Senator

Richard Blumenthal
United States Senator

Pramila Jayapal
United States Representative

Alexandria Ocasio-Cortez
United States Representative

Nanette Diaz Barragan
United States Representative

Dianne Feinstein
United States Senator

Karen Bass
United States Representative

Patrick Leahy
United States Senator

Joyce Beatty
United States Representative

Charles E. Schumer
United States Senator

Donald S. Beyer Jr.
United States Representative

Cory A. Booker
United States Senator

⁸ See *id.* § 1182(d)(5).

Earl Blumenauer
United States Representative

Suzanna Bonamici
United States Representative

Cheri Bustos
United States Representative

Tony Cardenas
United States Representative

Andre Carson
United States Representative

Joaquin Castro
United States Representative

Judy Chu
United States Representative

David N. Cicilline
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Emanuel Cleaver, II
United States Representative

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J. Luis Correa
United States Representative

Jason Crow
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Susan A. Davis
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Bernard Sanders
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Ron Wyden
United States Senator

Edward J. Markey
United States Senator

Tim Kaine
United States Senator

Jeanne Shaheen
United States Senator

Tina Smith
United States Senator

Mazie Hirono
United States Senator

Catherine Cortez Masto
United States Senator

Kirsten Gillibrand
United States Senator

Michael Bennet
United States Senator

Sheldon Whitehouse
United States Senator

Elizabeth Warren
United States Senator

Martin Heinrich
United States Senator

Mark DeSaulnier
United States Representative

Ted Deutch
United States Representative

Debbie Dingell
United States Representative

Veronica Escobar
United States Representative

Adriano Espaillat
United States Representative

Dwight Evans
United States Representative

Bill Foster
United States Representative

Jesus “Chuy” Garcia
United States Representative

Sylvia Garcia
United States Representative

Al Green
United States Representative

Deb Haaland
United States Representative

Jahana Hayes
United States Representative

Henry C. “Hank” Johnson, Jr.
United States Representative

Ro Khanna
United States Representative

Barbara Lee
United States Representative

Ted W. Lieu
United States Representative

Tammy Duckworth
United States Senator

Robert P. Casey, Jr.
United States Senator

Tammy Baldwin
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United States Senator

Benjamin L. Cardin
United States Senator

Jacky Rosen
United States Senator

Mark R. Warner
United States Senator

Amy Klobuchar
United States Senator

Jimmy Gomez
United States Representative

Raul M. Grijalva
United States Representative

Alcee L. Hastings
United States Representative

Eddie Bernice Johnson
United States Representative

Joseph P. Kennedy, III
United States Representative

Daniel T. Kildee
United States Representative

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Alan Lowenthal
United States Representative

Doris Matsui
United States Representative

Grace Meng
United States Representative

Eleanor Holmes Norton
United States Representative

Jimmy Panetta
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Eric Swalwell
United States Representative

Mike Thompson
United States Representative

Rashida Tlaib
United States Representative

Juan Vargas
United States Representative

Bonnie Watson Coleman
United States Representative