



THE PERMANENT MISSION
OF THE
UNITED STATES OF AMERICA
TO THE
UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS
IN GENEVA

May 7, 2018

Ms. Elina Steinerte
Vice-Chair of the Working Group on Arbitrary Detention

Mr. Dante Pesce
Vice-Chair of the Working Group on Transnational
Corporations and Other Business Enterprises

Mr. Michel Forst
Special Rapporteur on Situation of Human Rights Defenders

Mr. Felipe Gonzalez Morales
Special Rapporteur on the Human Rights of Migrants

Dear Special Procedures Mandate Holders and Vice-Chair:

We have received your joint letter of February 8, 2018, expressing concerns regarding the initiation of removal proceedings against Ms. Maru Mora-Villalpando and detention conditions at the Northwest Detention Center in Tacoma, WA.

Please find the response of the United States attached.

Sincerely,

A handwritten signature in blue ink that reads "Jason Mack".

Jason R. Mack
U.S. Deputy Permanent
Representative to the UN Human
Rights Council

SUBJECT: U.S. response to request for information regarding Ms. Mora-Villalpando

Ms. Mora-Villalpando has never been detained in U.S. Immigration and Customs Enforcement (ICE) custody at the Northwestern Detention Center or any other detention facility. Ms. Mora-Villalpando is in receipt of a mailed notice to appear (NTA) issued to her in December 2017. In accordance with federal law, ICE issued her a NTA for violating the terms of her nonimmigrant status in the United States, which initiated removal proceedings against her. An immigration judge with the Department of Justice's Executive Office for Immigration Review will determine whether she has a legal basis to remain in the United States. Like all aliens in removal proceedings, she will receive the due process protections prescribed by law.

ICE, which is a component of the U.S. Department of Homeland Security (DHS), does not target unlawfully present aliens for arrest based on advocacy positions they hold or in retaliation for comments they make. However, ICE will no longer exempt classes or categories of removable aliens from potential enforcement. All of those in violation of the immigration laws may be subject to immigration arrest, detention and—if found removable by final order—removal from the United States.

The Northwest Detention Center is inspected annually to ensure the facility meets ICE's most rigorous requirements, the 2011 Performance Based National Detention Standards (PBNDS 2011). These detention standards ensure the safety and security of ICE detainees and provide assurances that conditions of confinement are appropriate. The Northwest Detention Center has consistently

passed its annual inspections and was last determined to be compliant with ICE's detention standards in April 2017. As an additional layer of oversight, ICE has an onsite Detention Services Manager assigned to the Northwest Detention Center who monitors conditions at the facility daily and ensures that the facility is in compliance with ICE's detention standards. Finally, ICE staff are assigned to the facility and are able to assess firsthand the climate and conditions at the facility, in addition to conducting weekly visits with ICE detainees to hear and address any concerns they may have.

In addition, the DHS Office for Civil Rights and Civil Liberties (CRCL) receives and reviews allegations related to the conditions of detention at ICE immigration detention facilities to include the Northwest Detention Center. CRCL opens some allegations as complaints and conducts investigations, which may result in recommendations to ICE regarding civil rights or civil liberties issues identified during the investigation. In February 2014, CRCL conducted an onsite investigation at the Northwest Detention Center to investigate a number of complaints. CRCL made recommendations to ICE regarding medical care, suicide prevention, provision of religious meals, and prevention of sexual abuse, among other things, which ICE addressed. The underlying complaints were closed in September 2015. CRCL will continue to monitor allegations it receives about the facility.