



One Hundred Tenth Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515

September 7, 2007

The Honorable Julie L. Myers
Assistant Secretary
U.S. Immigrations and Customs Enforcement
Department of Homeland Security
Washington, D.C. 20528

Dear Assistant Secretary Myers:

As you know, the Department of Homeland Security's increased immigration enforcement efforts and policy to end "catch and release" have led to the detention of a growing number of undocumented aliens. While we support the Department's commitment to enforcing our immigration laws, we are concerned that undocumented aliens are not only suffering from inadequate medical attention while in the custody of Immigration and Customs Enforcement (ICE), they are also dying in our Nation's detention facilities.

It is our understanding that since 2004, at least 62 undocumented aliens in immigration detention centers have died.¹ According to ICE spokeswoman, Jamie Zuieback, "it is sad but unavoidable," that some detainees will die while in the agency's custody.²

The death of an undocumented alien while in the administrative custody of ICE should not be overlooked or quickly dismissed as "unavoidable." Recent news reports suggest that ICE personnel have been unresponsive to the immediate health needs of detainees and that proper and timely health care by medical personnel supporting ICE could have prevented many of these deaths.³ We are also troubled by the lack of available information on deaths that occur in immigration detention centers. It is imperative that ICE implement policies that meet the immediate and ongoing medical

¹ Brendan McKenna, The Dallas Morning News, *Inquiry Sought in Immigrant Detainee Deaths*, (July 10, 2007) available at: [http://www.dallasnews.com/sharedcontent/dws/news/washington/stories/DN-immigdeaths_10nat.ART.State.Edition1.37693ca.html].

² *Id.*

³ *Id.*; Nina Bernstein, The New York Times, *New Scrutiny as Immigrants Die in Custody* (June 26, 2007) available at: [<http://www.nytimes.com/2007/06/26/us/26detain.html?ex=1269230400&en=9f344fad5e4fa81a&ei=5035&partner=MARKETWATCH>].

needs of undocumented aliens while they remain in ICE custody, and properly investigate and maintain records regarding each detainee death, including the cause of that death.

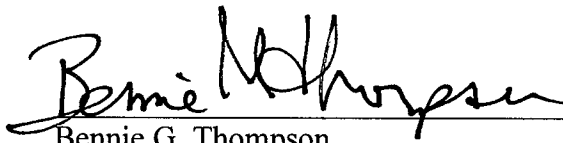
In order to gain a more thorough understanding of ICE policies regarding the medical attention provided to undocumented aliens in administrative custody and post-mortem investigations and reporting, we request that you provide answers to the following questions:

1. When an undocumented alien is taken into custody by ICE, on average, how long is an alien detained before he/she receives a medical evaluation? What type of medical emergencies or illnesses warrant immediate medical attention? What steps do ICE personnel take to find out whether detainees have critical conditions that require immediate and/or ongoing treatment?
2. On average, how many examinations from a medical professional can an undocumented alien expect to receive while in ICE custody? How do those detainees suffering from chronic medical conditions typically receive medical attention?
3. What is the procedure for an immigrant detainee to request medical attention, and how are detainees informed of this procedure? From the time a request for medical attention is received by a detention facility, how long does it normally take for a detainee to see a medical professional?
4. If an immigrant detainee is taking prescribed medication, what is the procedure to ensure that the detainee is able to continue taking his/her medication throughout detention? Does ICE have a policy that would prevent the transfer of prescribed medication from a family member to ICE personnel to subsequently provide to a detainee?
5. What type of language translation services does ICE or a detention center provide, if any, during the medical examination of an immigrant detainee?
6. Upon the death of an immigrant detainee, what is the procedure to inform immediate family members? What type of investigation and/or accounting, if any, does ICE perform to ensure a complete medical evaluation is conducted and a proper record is kept after an immigrant dies in custody? What responsibilities does ICE have with respect to human remains in its custody? Is an autopsy performed in all cases?
7. What are the differences in medical care allowed or provided between the Division of Immigrant Health Services Detainee Covered Services Package and the ICE Detention Standard on Medical Care?
8. Please confirm the number of undocumented aliens that have died while in the administrative custody of ICE since 2004, and provide: dates, last facility where

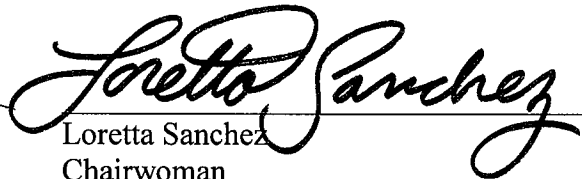
the immigrant detainee was housed, number of examinations by a medical practitioner while in custody, and cause of death.

Thank you in advance for answering this request by September 28, 2007. If you have any questions, please do not hesitate to contact Cherri Branson, Chief Oversight Counsel, at 202-226-2616. We look forward to hearing from you.

Sincerely,



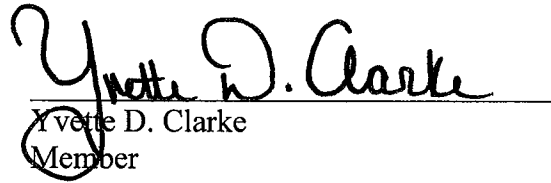
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Chairwoman
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Yvette D. Clarke
Member

cc: Peter T. King, Ranking Member

BGT/srv