



Immigration Policy Principles

The National Disability Rights Network (NDRN) is the membership organization for the Protection and Advocacy (P&A) agencies which comprise the nationwide network of congressionally created and mandated, legally based disability rights agencies. P&A agencies have the authority to provide legal representation and other advocacy services, under federal law, to **all** people with disabilities and in accordance with the federal laws that protect the rights and dignity of all immigrants. This authority extends to individuals with disabilities in immigration detention. Like all groups of people, immigrants have disabilities of all kinds including physical, medical, sensory, and psychiatric¹. This document guides NDRN's work on immigration policy at the federal level and will be updated as needed. NDRN advocates for the following policy priorities:

Adherence to all disability anti-discrimination laws and current immigration detention standards. Several reports, including reports produced by P&A agencies, have found numerous violations of both disability anti-discrimination laws and immigration detention standards¹. This results in a need to ensure that all disability anti-discrimination laws and immigration detention standards are adhered to at all levels of the immigration system. NDRN will pursue both administrative and legislative policies to ensure that all federal laws and current detention standards related to immigration are adhered to with fidelity.

Strengthen immigration detention standards and enhance monitoring of detention facilities. Government reports and P&A reports have uncovered deficiencies within the immigration detention system¹. These deficiencies range from overcrowding² to lack of medical care¹ to the inappropriate treatment of detainees with disabilities¹. For example, some of these deficiencies include:

- Delay in care for cataracts resulted in the vision of a woman in U.S. Immigration and Customs Enforcement (ICE) detention greatly deteriorating.
- A woman who was raped multiple times during her journey to the United States requested and was provided HIV and pregnancy testing when she arrived at ICE detention. However, staff failed to provide the test results to her for more than

1 Audits, Inspections, and Evaluations | Office of Inspector General. (2020, November 2). Retrieved from <https://www.oig.dhs.gov/reports/audits-inspections-and-evaluations>. Disability Rights California, *There is No Safety Here: The Dangers for People with Mental Illness and Other Disabilities in Immigration Detention at GEO Group's Adelanto ICE Processing Center* (2019), https://drive.google.com/file/d/1zccZ-eogUVDqw74gY5Gu35k7_SkNBbnB/view?usp=sharing. Disability Rights California, *The Detention of Immigrant Children with Disabilities in California: A Snapshot*, <https://drive.google.com/file/d/12rWUA79A2nMyx4VLJNtsj2-xcGDRD5vC/view?usp=sharing>

2 Disability Rights Florida, *Monitoring Report Homestead Emergency Temporary Shelter for Unaccompanied Children*, <https://drive.google.com/file/d/1qu-lwoFRFHWPtvXD0hrU3-mfokIPrNY2/view?usp=sharing>

three months and unable to find out whether she was pregnant or if she had contracted HIV, she became suicidal and required placement on suicide watch.

- Men held in disciplinary segregation in an ICE facility are placed in single cells with no windows to the outside and only a small window in the cell door that looks into a hallway and are confined to their cells for about 23 hours per day.
- A woman with epilepsy was assigned a top bunk while in ICE detention and only after she had a seizure and fell from her top bunk to the floor, causing physical injury, did the facility make a bottom bunk available to her.

These examples highlight the need to strengthen immigration detention standards to emphasize providing the most humane treatment of detainees with a particular focus on de-institutionalization of people with disabilities and their right to live and receive services in the community. Additionally, these reports clearly convey a need for continued oversight of detention facilities and practices by outside entities such as the nationwide network of P&A agencies.

Adherence to Federal, State and local codes related to the standards of childcare and the well-being of children with disabilities in the custody of the Office of Refugee Resettlement (ORR). P&A reports have discovered serious deficiencies in services provided to children with disabilities in ORR custody. These deficiencies include inadequate medical and mental health assessments, lack of education services for children with disabilities as required by the Individuals with Disabilities Education Act, and the placement of children with disabilities in disproportionately restrictive settings^{1 2}. Reports have also highlighted that some children are over medicated with powerful psychotropic drugs and do not receive proper medical supervision for side and after effects¹. For this reason, ORR and Congress have acknowledged and recognized both the P&As' role and authority in monitoring children with disabilities in ORR custody³. NDRN will work to ensure the continuation of and dedicated funding for this important function for the nationwide network of P&A agencies.

3 Administration for Children and Families |Office of Refugee Resettlement, Memo on Protection and Advocacy Systems Access to Office of Refugee Resettlement (ORR) Care Facilities for Unaccompanied Alien Children (July 13, 2018 (Updated July 24, 2018)).

https://drive.google.com/file/d/1_qowXhXG2xq2SYqVuDzVR4w3JmBgH3m7/view?usp=sharing. House of Representatives, Department of Labor, Health and Human Services, and Education and Related Agencies Appropriations Bill, 2021, <https://www.congress.gov/116/crpt/hrpt450/CRPT-116hrpt450.pdf>