

Hon. Alejandro N. Mayorkas  
Secretary of Homeland Security  
U.S. Department of Homeland Security  
2707 Martin Luther King Jr. Ave, SE  
Washington, DC 20528

July 19, 2022

Dear Secretary Mayorkas,

In light of the Supreme Court's rights-stripping decision in *Dobbs v. Jackson Women's Health Organization*, we, the undersigned organizations, write to urge you to immediately issue clear guidance that DHS *shall not* use any abortion care-related arrest or conviction as a basis for any immigration enforcement action, nor shall the agency consider it a barrier to any form of immigration relief. Furthermore, we urge you to ensure that all people held in DHS custody have timely access to the full range of reproductive health care, including abortion care, regardless of the laws of the states where they may be detained. Finally, we seek a commitment to ensuring that DHS will not deter or interfere with people's ability to safely and freely travel from and return to their states and communities of residence for abortion care, regardless of their immigration status.

The very same day the Court issued the decision, President Biden [condemned it in clear terms](#), calling it "a realization of an extreme ideology and a tragic error by the Supreme Court"; stating that overturning *Roe v. Wade* would put the "health and life" of people in the U.S. "at risk"; and that the decision sent the country "back 150 years." The President then promised to do "all in [his] power" to protect the right to choose. He went on to direct his Administration to take steps to protect people seeking abortion care. The President highlighted the [Attorney General's statement](#) affirming that people have the right to travel outside of their states to seek abortion care and vowing that the Department of Justice would use "every tool at [their] disposal to protect reproductive freedom." The President also ordered the Secretary of Health and Human Services to take steps to protect people's access to pregnancy-ending medications and other forms of reproductive healthcare.

But as certain states rush to criminalize receiving, providing, and aiding access to abortion care, an additional danger looms for noncitizens who exercise control over their bodies and their reproductive futures, or who help others seeking the same freedom: deportation. While there is no sound legal basis for using a conviction for one of these newly created crimes as a ground for deportation or to deprive someone of relief, you must make it absolutely clear that DHS will not take *any* enforcement action against people who may be arrested for or convicted of abortion care-related crimes. You must also clarify that DHS will not consider these arrests or convictions,

or the disclosure of having obtained abortion care, to bar any form of immigration relief, including in discretionary determinations. Such clarifications are necessary to be consistent with President Biden's position: you, too, must do "all in [your] power" to protect reproductive freedom.

Under ICE & CBP agency pregnancy directives, the agency should neither detain nor take immigration enforcement action against any pregnant person in almost all cases. Adherence to this directive is especially important to ensure that pregnant people may receive whatever reproductive health care they need. For those pregnant people who remain in your custody, no matter where your agency holds them, you must also issue guidance to ensure that they have timely access to abortion care and any other reproductive health care they may require. DHS detention deprives them of the liberty to travel to another state to seek abortion care as other people may; thus it is DHS's responsibility to secure abortion care for them. Likewise, people who are under Orders of Supervision often require ICE's permission to travel out of state; your guidance should also require ICE to permit interstate travel for people who need abortion care. The horror and shame of the [forced gynecological procedures that were committed on ICE's watch](#) in the Irwin Detention Facility still stain your agency. You must take action to prevent other people in your custody from losing autonomy over their bodies and from being deprived of the choice to make the families they want.

Finally, immigration status checks at interior CBP checkpoints and ports of entry seriously obstruct access to abortion, which is essential health care, for undocumented pregnant people. Since Texas banned abortion last year, people seeking abortions have been forced to travel out of state for care. With bans now taking effect in multiple states following the Supreme Court's decision, many more people will be forced to travel to other US states, or out of the country, to access abortion care. It is imperative that DHS set and enforce policies that ensure that its agents do not deter or interfere with people's ability to safely and freely travel from and return to their states of residence for abortion care, regardless of their immigration status.

In order to adequately respond to the increase in cross-state and cross-border travel for abortion care, DHS should enable patients seeking time sensitive and urgent health care services, including abortion, as well as those supporting them, to access abortion care out of state or to return to the U.S. after receiving abortion care out of the country, without risk of detention or enforcement. This must protect patients from violations of privacy by federal immigration enforcement and personnel and guarantee confidentiality of medical information. It is critical that a person's travel to access this essential medical service is not used to initiate or continue removal proceedings or used against anyone in future applications for citizenship or legal status – particularly now as accessing this service without traveling a great distance becomes increasingly impossible.

Thank you for your attention to this matter. Please do not hesitate to reach out to Sirine Shebaya at [sirine@nipnlg.org](mailto:sirine@nipnlg.org) or (202) 656-4788 with any questions or for further discussion.

Sincerely,

Advocates for Youth  
Advocating Opportunity  
AIDS Foundation Chicago  
All Above All Action Fund  
Alliance of Tribal Coalitions to End Violence  
American Atheists  
American Civil Liberties Union  
American Civil Liberties Union (ACLU) of Arizona  
American Humanist Association  
American Immigration Council  
American Immigration Lawyers Association  
Asian Americans Advancing Justice | AAJC  
Asian Pacific Institute on Gender-Based Violence  
Asian Prisoner Support Committee  
ASISTA Immigration Assistance  
Association of Asian Pacific Community Health Organizations (AAPCHO)  
Athena's Warehouse Inc.  
Battle Born Progress  
Bold Futures of NM  
Bridges Faith Initiative  
Brooklyn Defender Services  
Caminar Latino - Latinos United for Peace and Equity  
Capital Area Immigrants' Rights (CAIR) Coalition  
CASA  
Catholics For Choice  
Center for Gender & Refugee Studies  
Center for Law and Social Policy  
Child trafficking survivor, FNUSA member  
Cleveland Jobs with Justice  
COLAGE  
Columbia Law School Immigrants' Rights Clinic  
Community Asylum Seekers Project  
Connecticut Shoreline Indivisible  
Detention Watch Network  
EducateUS: SIECUS In Action

Empowering Pacific Islander Communities (EPIC)  
ERA Coalition  
Esperanza United (Formerly Casa de Esperanza: National Latin@ Network)  
Faith in Public Life  
Faith Organizing Alliance  
Families for Freedom  
FLAP-Farmworker and Landscaper Advocacy Project  
Florence Immigrant and Refugee Rights Project  
Freedom for Immigrants (FFI)  
Freedom Network USA  
Frontera Fund  
Futures Without Violence  
Gulfcoast Legal Services  
Her Justice, Inc.  
Houston Immigration Legal Services Collaborative  
Human Rights First  
Human Rights Initiative of North Texas  
Immigrant Defenders Law Center  
Immigrant Defense Project  
Immigrant Justice Network  
Immigrant Legal Resource Center  
Immigration Hub  
In Our Own Voice: National Black Women's Reproductive Justice Agenda  
Individual Physician  
Innovation Law Lab  
Inter-Faith Committee on Latin America  
International Institute of Buffalo  
Iowa Coalition Against Domestic Violence  
Ipas Partners for Reproductive Justice  
Japanese American Citizens League  
Jewish Activists for Immigration Justice of Western Mass  
Jewish Women International (JWI)  
JUNTOS Philadelphia  
Just Neighbors Ministry  
Justice for Migrant Women  
KAN-WIN  
Kansas Coalition Against Sexual and Domestic Violence  
La Resistencia  
Latino Commission on AIDS  
LCLAA

Legal Aid Justice Center  
Legal Momentum, the Women's Legal Defense and Education Fund  
Los Angeles LGBT Center  
Louisiana Advocates for Immigrants in Detention  
Make the Road Nevada  
Make the Road NY  
Mazzoni Center  
me too. International  
Migrant Center for Human Rights  
Minnesota Interfaith Coalition on Immigration  
Minority Veterans of America  
MomsRising/MamásConPoder  
My Sisters' Place  
NARAL Pro-Choice America  
National Asian Pacific American Women's Forum (NAPAWF)  
National Coalition Against Domestic Violence  
National Council of Jewish Women  
National Crittenton  
National Family Planning & Reproductive Health Association  
National Health Law Program  
National Immigrant Justice Center  
National Immigration Law Center  
National Immigration Project (NIPNLG)  
National Justice For Our Neighbors  
National Latina Institute for Reproductive Justice  
National LGBTQ Task Force  
National Network for Arab American Communities  
National Network for Immigrant and Refugee Rights  
National Network to End Domestic Violence  
National Organization for Women  
National Partnership for New Americans  
National Partnership for Women & Families  
National Resource Center on Domestic Violence  
National Survivor Network  
New American Leaders  
New England Justice for Our Neighbors  
New York Annual Conference United Methodist Church Board of Church and Society  
New York Justice for Our Neighbors, Inc.  
North Carolina Coalition Against Domestic Violence  
NYS Coalition Against Domestic Violence

Oasis Legal Services  
One APIA Nevada  
Oxfam America  
Physicians for Reproductive Health  
Planned Parenthood Federation of America (PPFA)  
Prairielands Freedom Fund  
Progressive Leadership Alliance of Nevada  
ProgressNow New Mexico  
Refugees International  
Respond Crisis Translation  
Rian Immigrant Center  
Robert F. Kennedy Human Rights  
Rocky Mountain Immigrant Advocacy Network  
Sikh Family Center  
Sounds Like Me Inc, Daya Inc  
Southern Border Communities Coalition  
Sunita Jain Anti-Trafficking Initiative  
T'ruah: The Rabbinic Call for Human Rights  
Tahirih Justice Center  
Tennessee Justice for Our Neighbors  
Texas Civil Rights Project  
The Advocates for Human Rights  
The Black Alliance for Just Immigration (BAJI)  
The Bronx Defenders  
The Leadership Conference on Civil and Human Rights  
The Praxis Project  
The Resurrection Project  
The Sex Workers Project of the Urban Justice Center  
Transformations CDC  
Tulane's Immigrant Rights Clinic  
United African Organization  
UNITED SIKHS  
University of Maryland SAFE Center for Human Trafficking Survivors  
UnLocal  
URGE: Unite for Reproductive & Gender Equity  
Vera Institute of Justice  
VIDA Legal Assistance Inc.  
Violence Free Minnesota  
Voces Unidas (RGV)  
Win Without War

Women's Foundation California  
Women's Refugee Commission  
YWCA Kalamazoo  
YWCA USA