

Thomas Giles, District Director
Atlanta Field Office
U.S. Immigration and Customs Enforcement
Department of Homeland Security
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Sent by e-mail

February 4, 2021

Re: Cancel Immigration and Customs Enforcement (“ICE”) detainers and jail enforcement in accordance with new Department of Homeland Security (“DHS”) Memorandum

Dear Field Office Director Giles,

We, the undersigned regional, state, and local organizations working in Georgia, ask that you act immediately to implement the new civil immigration enforcement priorities in your field office, including an immediate review of all ICE detainers, and the cancelation of all applicable ICE detainers and jail enforcement, in accordance with the applicable January 20, 2021 DHS memorandum (“the Pecoske memo”).

On January 20, 2021, President Biden issued an [Executive Order](#) on civil immigration enforcement policies and priorities, which established new immigration policies for the administration and rescinded Executive Order 13768. On the same day, Acting DHS Secretary David Pecoske issued a department-wide [memo](#) on the “Review of and Interim Revision to Civil Immigration Enforcement and Removal Policies and Priorities.” This memo established interim immigration enforcement priorities for ICE and all DHS components. Note that these priorities and their implementation are not affected by the Temporary Restraining Order issued by Judge Tipton of the Southern District of Texas on January 26, 2021.

Effective February 1, 2021, the federal government’s civil immigration enforcement priorities are focused only on certain categories of non-citizens. These categories are defined as follows:

1. National security. Individuals who have engaged in or are suspected of terrorism or espionage, or whose apprehension, arrest and/or custody is otherwise necessary to protect the national security of the United States.
2. Individuals arrested at the border or ports of entry on or after November 1, 2020, or who were not physically present in the United States before November 1, 2020.
3. Individuals incarcerated within federal, state, and local prisons and jails released **on or after** January 21, 2021 who have been **convicted of** an “aggravated felony,” as that term is defined in section 101(a)(43) of the Immigration and Nationality Act at the time of conviction, **and** are determined to pose a threat to public safety.

The memo states clearly that these enforcement priorities apply to all discretionary enforcement actions when identifying and detaining noncitizens. This includes any enforcement in a jail or prison setting, including the issuance of an ICE detainer or notification requests, interrogations of incarcerated individuals, and transfers of individuals into ICE's custody.

Pursuant to this memorandum, we request that you take IMMEDIATE ACTION to:

- 1. Halt all transfers or pickups** from any municipal or county jails or any state or federal prisons starting immediately.
- 2. Conduct a comprehensive review of all ICE detainees** placed in municipal or county jails or state or federal prisons in Georgia to determine which, if any, fall under the new enforcement priorities.
- 3. Rescind and cancel all detainees** for all individuals who do not fall into one of the three priority categories outlined above, and inform the relevant jails and prisons that you will not be arresting them because they are not enforcement priorities.
- 4. Provide public information** regarding who in your office will be making and reviewing determinations that a person falls under the new enforcement priorities, and how the office will determine whether individuals who have aggravated felony convictions pose a current threat to public safety as required to designate an individual a priority under the memo.

These steps are essential to implementing the Pecoske memo. We will be monitoring closely to ensure that your Field Office follows the memo, and anxiously awaiting further information from your office on how you will proceed.

Sincerely,

ACLU of Georgia

Asian Youth for Civic Engagement

Athens Immigrant Rights Coalition

Atlanta Democratic Socialists of America

Atlanta North Georgia Labor Council

Building Better Bridges Consulting, LLC

CAIR Georgia

Center for Victims of Torture Georgia

Cobb Immigrant Alliance

Diana Lleras LLC

Feminist Women's Health Center

Georgia Association of Criminal Defense Lawyers

Georgia Association of Latino Elected Officials

Georgia Coalition Against Domestic Violence

Georgia Interfaith Public Policy Center

Individual Activists

Indivisible Georgia Coalition

Kuck Baxter Immigration LLC

Latino Community Fund

Middle Georgia Immigration Coalition

New Sanctuary Movement of Atlanta

Planned Parenthood Southeast Advocates

Refugee Women's Network

Represent GA Action Network, Inc.

South Georgia Immigrant Support Network

Southeast Immigrant Rights Network

Southern Poverty Law Center

Southerners On New Ground

#VoteProChoice

Women in Transition Initiative of the Alpha & Omega Society Inc.

Women Watch Afrika

CC:

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