



*Protecting Immigrant
Women and Girls
Fleeing Violence*

November 27, 2018

U.S. Department of Homeland Security
Office for Civil Rights and Civil Liberties
Compliance Branch
245 Murray Lane, SW; Building 410, Mail Stop #0190
Washington, D.C. 20528

Submitted via electronic mail to: CRCLCompliance@hq.dhs.gov

Re: Complaint on behalf of Vilma Viviana Carrillo Carrillo

Dear Compliance Branch Director:

The Tahirih Justice Center is a non-partisan national immigration services organization that assists women and girls fleeing gender based violence. The women we serve survive unimaginable abuses such as human trafficking, rape, forced marriage, and domestic violence. Tahirih represents Ms. Carrillo Carrillo in her appeal to the BIA, and further seeks her release from detention so that she can be reunited with her daughter. Ms. Carrillo Carrillo's story appeared in the New York Times this past Friday: <https://www.nytimes.com/2018/11/23/us/migrant-family-separation-citizen-domestic-abuse.html>.

Vilma Viviana Carrillo Carrillo is an indigenous Guatemalan asylum seeker who endured years of horrific abuse at the hands of her husband. In May 2018, she fled her country to the US along with her US citizen daughter, Yeisvi Ximena Bernardo Carrillo. Pursuant to the administration's "zero tolerance" policy, Ms. Carrillo Carrillo was sent to the Irwin County Detention Center in Georgia, while Yeisvi was placed into foster care in Arizona. In July 2018, Ms. Carrillo Carrillo was transferred to Port Isabel Detention Center with other separated mothers who were being reunified with their children. However, ICE later deemed her ineligible for reunification under the *Ms. L* class action agreement because Yeisvi was a US citizen. As a result, Ms. Carrillo Carrillo was transferred back to Irwin on August 13, 2018.

ICE's mistaken transfer of Ms. Carrillo Carrillo to Texas for reunification caused her to miss her scheduled asylum merits hearing in the Atlanta Immigration Court. At her rescheduled hearing three days after her return, Ms. Carrillo Carrillo was then unable to file her declaration and other supporting documents for her case because those documents were in her backpack which ICE took from her upon her return to the Irwin facility. The Judge entered a removal order on August 16, 2018.ⁱ

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In the meantime, Ms. Carrillo Carrillo remains detained while Yeisvi's custody case proceeds in juvenile court in Arizona. A dependency hearing was held on November 7, 2018, at which Ms. Carrillo Carrillo was present telephonically. All parties agreed that the case would be dismissed if Ms. Carrillo Carrillo is released, since the sole basis for the custody proceedings is her current detention. The next hearing is set for January 31, 2019. Unlike other separated families, Ms. Carrillo Carrillo and her daughter cannot be detained together because Yeisvi is a US citizen. If ICE continues to refuse release for Ms. Carrillo Carrillo, she will face imminent loss of her parental rights. Tahirih attorneys have requested Ms. Carrillo Carrillo's release on parole through the Atlanta Field Office and ICE's Parental Interests Unit, but thus far these requests have been denied.

Through this complaint, we respectfully ask that you investigate ICE's arbitrary refusal to release Ms. Carrillo Carrillo despite the highly compelling humanitarian issues at hand, and to investigate ICE's obstruction of Ms. Carrillo Carrillo's court case. We also urge you to advocate within your authority for DHS policies and practices that prevent this from occurring in the future.

We appreciate your careful consideration of this complaint, and you may reach me at 571-282-6180 or irenas@tahirih.org to further discuss the case.

Sincerely,



Irena Sullivan
Senior Immigration Policy Counsel

Cc: Lynn Pearson, Staff Attorney, Tahirih Justice Center

Attachment: Release request on behalf of Vilma Viviana Carrillo Carrillo

ⁱFurther damaging Ms. Carrillo Carrillo's case was the fact that the interpreter did not speak the correct dialect of her indigenous language, so she had difficulty understanding the proceedings and answering the Judge's questions.