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November 21, 2017

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Representative Rob Woodall
1725 Longworth House Office Building
Washington, DC 20515

Re: Requesting an Investigation of Stewart and Irwin County Immigration Detention Centers

Dear Members of the Georgia Delegation to the 115th United States Congress,

We are writing to request that you initiate an investigation into the Stewart and Irwin County immigration detention centers in Georgia. Project South, an Atlanta-based social justice organization, has prepared, in conjunction with Pennsylvania State University Law School's Center for Immigrants' Rights Clinic, a report on these two facilities, *Imprisoned Justice: Inside Two Georgia Immigrant Detention Centers*, a copy of which is enclosed.

Time and time again, we heard from members of our communities that they, their friends, families, and loved ones suffered injustices at Stewart or Irwin in a manner that violated the laws and Constitution of the United States: many were detained for years without any opportunity to plead their case before a judge, denied access

to lawyers, discriminated against on the basis of their gender, religion, or national origin, treated inhumanely, and forced to labor without just compensation.

We are not the first to document these issues or attempt to bring them to public attention. In May 2012, the ACLU of Georgia published a report, *Prisoners of Profit: Immigrants and Detention in Georgia*, detailing the conditions of Stewart and Irwin County Immigration Detention Centers, and documenting the violation of detained immigrants' rights therein.¹ In this report, the ACLU of Georgia found that many detained immigrants were held indefinitely at Stewart and Irwin without justification.² The detained immigrants were generally unable to access legal representation,³ and faced retaliation from the guards when they sought to file grievances or petitions.⁴ The report also discovered that the facilities lacked basic hygiene,⁵ adequate medical and mental health care,⁶ and opportunities to see family members or friends.⁷ Finally, the report also detailed the ways in which the detained immigrants were unable to engage in important elements of their religious practices,⁸ as well as being coerced into laboring for subminimum wages for the maintenance of the facilities.⁹ On March 21st, 2014, the ACLU, joined by 23 other nonprofits, community groups, and religious congregations, requested that the Georgia Congressional delegation launch an investigation into the conditions at Stewart and Irwin Detention Center.

Three years later, the situation remains largely unabated. Both Stewart and Irwin Detention Centers fester with rampant violations of detained immigrants' constitutional and human rights: inaccessibility of due process for the detained immigrants, inhumane treatment and living conditions, and involuntary labor.

I. Due Process Issues

Mohammed Ahmed Duale is a twenty-five years old man from Somalia who fled his home when he was seventeen because of horrific violence and bloodshed. In this process, he was separated from most of his family, and his father died shortly afterwards. "Now I am all alone," He said. "I traveled to America for asylum, but I had no idea I would be detained. I didn't think they would detain asylum-seekers. I just asked to apply for asylum and I didn't know I would be imprisoned. I was hospitalized in South Africa because I was tortured. I take medication now for the trauma. But, I have no hope of asylum now that I was transferred to Stewart. Stewart is just a deportation center. This is not a place where you can win asylum."

We believe that Mr. Duale's indefinite detention, as well as his lack of access to the legal process, constitutes a clear violation of the Constitution of the United States. In 2001, the Supreme Court of the United States ruled that noncitizens residing in the United States, regardless of their immigration status, are entitled to due process before the law.¹⁰ In *Zadvydas v Davis*, the Court acknowledged that "indefinite detention" poses a "serious

¹ See Alexandra Cole, *Prisoners of Profit: Immigrants and Detention in Georgia*, 28 (Azadeh Shahshahani ed., American Civil Liberties Union Foundation of Georgia, 2012) available at http://www.acluga.org/files/2713/3788/2900/Prisoners_of_Profit.pdf.

² *Id.* at 45.

³ *Id.* at 49.

⁴ *Id.* at 64

⁵ *Id.* at 53

⁶ *Id.* at 18.

⁷ *Id.* at 84.

⁸ *Id.* at 58

⁹ *Id.* at 57.

¹⁰ [Zadvydas v. Davis, 533 U.S. 678, 121 S. Ct. 2491 \(2001\)](#)

constitutional problem” given a noncitizen’s Due Process rights.¹¹ “Government detention violates the [Due Process] Clause,” the Court explained, “unless it is imposed as punishment in a criminal proceeding conforming to the rigorous procedures constitutionally required for such proceedings, or ‘in certain special and narrow non-punitive circumstances.’ ”¹² Excepting such narrow circumstances, the Court reasoned, it was unreasonable to hold an undocumented immigrant for over six months.¹³

Nor is Mr. Dulae’s story an anomaly at Stewart and Irwin. Our inquiries have revealed that both Stewart and Irwin remain fraught with due process violations that effectively relegate immigrants to unconstitutional and indefinite detention, impose prohibitively high bonds, and deny access to lawyers and to the justice system.

A. Indefinite Detention

Many immigrants at Stewart and Irwin have been detained without a reasonable prospect of securing release or even deportation for years on end.¹⁴ The immigration courts at Stewart and Irwin are also notorious for setting prohibitively high bonds for detained immigrants, effectively precluding any possibility for release and curtailing their Eighth Amendment right to a reasonable bond.¹⁵ At least one detained immigrant we interviewed reported that his bond was set at \$10,000, an unaffordable rate for the detained immigrant, as well as for most persons who are likely to be held at Stewart and Irwin.¹⁶

ICE deportation officers, who are supposed to facilitate the detained immigrants’ movement through the immigration justice system, are virtually inaccessible to many detained immigrants in these facilities. Their limited language proficiency means that detained immigrants who do not speak English are unable to communicate with their deportation officers,¹⁷ while some detained immigrants were explicitly denied the opportunity to speak with their officers for months on end.¹⁸

B. Inadequate Access to Legal Resources

While both Stewart and Irwin Detention Centers allow detained immigrants to meet with attorneys, in many ways the facilities physically bar the detained immigrant’s right to substantive consultation and representation. Detained immigrants and attorneys have reported that they had to meet through Plexiglas with malfunctioning phones or video-conferencing equipment.¹⁹ The conversations are not private, as the rooms are not sound-insulated, and the attorneys and the clients often need to shout at each other over television or other white noise in order to understand each other. Attorneys have reported that their faxes and paperwork have gone “missing” at the detention center, and that they are treated with animus, and frequently denied access to important services like translation and timely meetings with their clients.²⁰

¹¹ *Id.* at 690.

¹² *Id.*

¹³ *Id.* at 697.

¹⁴ *Imprisoned Justice*, p. 39.

¹⁵ *Id.* at 40.

¹⁶ *Id.* at 28.

¹⁷ *Id.* at 37.

¹⁸ *Id.* at 39-40.

¹⁹ *Id.* at 28, 41.

²⁰ *Id.* at 30, 41.

Detained immigrants at both facilities also encounter constant problems accessing the law libraries for legal information. Many detained immigrants at Stewart reported that they were unable to access any legal resources in their native languages, effectively precluding their ability to fill out complex legal documents like asylum applications.²¹ At Irwin, detained immigrants are required to submit a written form, only available in English and Spanish, to request library use. Many detained immigrants reported that they were literally and physically denied access to the law library even after submitting a request, both in their effort to request specific books and resources, and in their attempts to physically enter the library space.²²

In light of this evidence, we conclude that due process standards at *Stewart* and *Irwin* effectively make inevitable the kind of indefinite detention that the Supreme Court found would raise serious constitutional problems. We therefore ask that you launch an investigation into the state of substantive due process in these facilities with the goal of investigating and remedying explicit constitutional violations.

II. Inhumane Treatment and Living Conditions

Hunger strikes are a common occurrence at Stewart and Irwin. Without any prospect of securing release, and with limited opportunities to receive visits from family members or attorneys, many detained immigrants have turned to starvation as the only way to register any protest.

“I am going on a hunger strike today,” said one detained immigrant at Stewart. “My wife can no longer afford school in Ghana without my help. My son is devastated that he cannot continue with his education. Today, he told me he is planning to kill himself. My child wants to kill himself. I am begging to be deported or get work release. I must help him. I need to help my family. I cannot stand being detained any longer. I cannot sleep anymore. I am so stressed. I constantly worry about my wife and children. I cry at night.”²³

Tragically, stories like this are hardly a deviation from the norm at Stewart and Irwin. Detained immigrants rarely get to see their family or loved ones. Food, hygiene, infrastructure, and healthcare are all substandard, and there is virtually no access to mental healthcare in a setting in which mental illness is a statistical inevitability. Any effort to protest these conditions are often met with mistreatment, discipline, and punishment through solitary confinement. We discovered many instances that constituted a clear violation of the Immigration and Customs Enforcement's Performance-Based National Detention Standards (PBNDS) that guarantee basic access to visitation, humane treatment, and physical and mental healthcare.

A. Isolation from Family and Community

Both Stewart and Irwin detention centers are located about three hours' drive from Atlanta, making them largely inaccessible to family members and friends working multiple jobs and to people without cars.²⁴ Many of the detained immigrants in both facilities were originally detained in South Carolina, North Carolina, or Texas, making trips unrealistic for a one-hour visit.²⁵ Even when they are able to visit, families and friends of

²¹ *Id.* at 30.

²² *Id.* at 41.

²³ *Id.* at 39.

²⁴ *Id.* at 7.

²⁵ *Id.* at 40.

detained immigrants experience unreasonable delays, and they are often forced to sit outside for hours until they are granted audience with their detained loved one.²⁶

“I have been detained at Stewart for nearly two years,” reported one detained immigrant. “Last year, my family came but it is too far for only a one-hour visit. I told my family to stop visiting me. I told them not to worry. I didn’t want them wasting time and money for only an hour. For people to visit, they must have an ID or passport to get inside. Undocumented family members cannot visit us here. I miss my family.”²⁷

Nor do phone calls serve as an adequate alternative to communicate with detained immigrants at Stewart or Irwin. Phones are often malfunctioning, and detained immigrants at Stewart reported that they have to pay \$2.50 for a twenty-minute domestic and \$5.70 for a twenty-minute international call, a prohibitively high rate for many detained immigrants.²⁸ At Irwin, detained immigrants reported phone policies that explicitly violated the standards outlined in ICE PBNDS; with three functioning phones throughout the entire facility with the cost of \$2 to initiate a call, 34 cents a minute to maintain a domestic call, and \$1 a minute to maintain an international one.²⁹

B. Infrastructure and Services

The physical conditions and poor infrastructure at Stewart and Irwin further aggravate the sense of isolation and dehumanization that many detained immigrants experience. Despite the ostensibly non-punitive purpose of immigration detention facilities, both Stewart and Irwin emulate the conditions of a prison in the criminal justice system. Stewart is literally a former prison with limited bathing facilities that detained immigrants themselves have to clean.³⁰ Irwin is structured like a dormitory with no room for personal privacy: many detained immigrants sleep in a common sleeping area with bunk beds that house over fifty detained immigrants in a single enclosed space. Showering facilities are sparse here, and the poor quality of water often expresses itself in hygiene problems and illnesses among detained immigrants.³¹

Detained immigrants at Stewart consistently reported that food and water conditions at the facility posed serious health risks: meat is rarely served, food is often undercooked or rancid, the quantity of food is insufficient to a point that most detained immigrants experience weight loss, and the water is often green, and has reportedly caused headaches and rashes.³² At Irwin, all detained immigrants we interviewed unanimously reported finding objects in the food, being forced to eat rancid food, and needing to supplement their diet by purchasing additional food at the commissary.³³ Many detained immigrants at Irwin also reported that they found rocks and nails in their food, and further stated that they experienced significant weight loss since their detention at Irwin.³⁴

Such withering conditions often manifest themselves in serious illness and medical issues at both facilities, for which neither facility is adequately equipped. ICE itself specifically identified Stewart as a facility with

²⁶ *Id.* at 26.

²⁷ *Id.*

²⁸ *Id.* at 30.

²⁹ *Id.* at 43.

³⁰ *Id.* at 31.

³¹ *Id.* at 44.

³² *Id.* at 32.

³³ *Id.* at 44.

³⁴ *Id.*

inadequate medical care in 2012, and it continues to stagnate in this regard. Patients who do not speak English cannot access proper healthcare, and some even report not being able to see a doctor for six months after developing an illness (and even this consultation was conducted via video-conferencing).³⁵ Even when they are able to access healthcare, many patients reported that they were only given painkillers in response to serious injuries and illnesses.

Irwin employs only two or three on-duty medical staff. Request forms for healthcare are only available in English and Spanish, preventing many detained immigrants from accessing medical care; as a result, outbreaks of illnesses like rashes, flues, and stomach illnesses remain rampant throughout the facility.³⁶

Unsurprisingly, such illnesses also exacerbate the mental health issues and traumas that many detained immigrants had already experienced as asylum-seekers and imprisoned persons. Most detained immigrants at Stewart reported that they have no access to therapists or psychiatrists, and many weren't even aware that such services were available.³⁷ Those suffering serious mental afflictions are placed in handcuffs and helmets and put in solitary confinement. As a result, detained immigrants who suffer from mental health issues and are aware of potential mental health services are often too fearful to express their need for care.³⁸ Similar fear of segregation bars detained immigrants' access to mental health care at Irwin: instead of receiving any emotional support, detained immigrants suffering from serious mental illnesses are drugged and segregated. Individuals placed on suicide watch are strapped into a straitjacket and placed into solitary confinement.³⁹

A recent tragedy also raises concerns about these facilities' compliance with ICE's national standards concerning the treatment of detained immigrants in solitary confinement. Jean Carlos Jiménez-Joseph, a 27-year-old immigrant detained at Stewart, committed suicide on May 15, 2017 by hanging himself while in solitary confinement. He had been in solitary for 19 days. ICE standards require all detained immigrants in solitary confinement to be observed every thirty minutes, and every fifteen minutes (or more often) if they are suicidal. In the hours before his death, officers went over the thirty-minute requirement twice (with forty-six and thirty-two minutes between checks). Further, a private officer logged three visits to Jiménez' cell that never happened. An advocate volunteer attempted to visit Jiménez, at his mother's request, on May 14th but was denied access. Jiménez was a clear suicide risk: he had told nurses that voices were telling him to kill himself, he had been seen banging on the mirror in his cell, and he had jumped off a second floor walkway in the detention center weeks before. He should have been receiving treatment, not been isolated and forgotten in solitary. This tragedy raises the question—how often are these standards being ignored in Stewart and Irwin?

C. Protest, Punishment, and Preferential Treatment

Given such intolerable conditions, it is hardly surprising that many detained immigrants begin to protest against their inhumane treatment. Protests have been frequent at both facilities, and at Stewart, they often take the form of hunger strikes. Stewart has placed dozens of detained immigrants in solitary confinement as punishment for going on hunger strikes, and has been using segregation and threats to force-feed detained immigrants in violation of their basic constitutional rights to protest and to bodily autonomy.⁴⁰

³⁵ *Id.* at 36.

³⁶ *Id.* at 48-49.

³⁷ *Id.* at 36.

³⁸ *Id.*

³⁹ *Id.* at 49.

⁴⁰ *Id.* at 39.

Stewart uses solitary confinement both for punishing protestors and for detaining patients with mental illnesses, often for arbitrary and indefinite periods of time. Even those who seek to register complaints through the facility's formal grievance and petitions system are often placed in retaliatory segregation. "Segregation is like hell," said one detained immigrant from Nigeria. "It is total isolation."⁴¹ Irwin similarly fails to distinguish between administrative and punitive segregation, and is known to segregate detained immigrants for up to six months for an attempt to initiate a protest.⁴² Such extended detentions are in clear violation of ICE's own PBNDS, as well as the conclusion of a UN Special Rapporteur that non-punitive segregation should never exceed 15 days.⁴³

Detention center staff has also been known to engage in abuse, mistreatment, and preferential treatment in a manner that clearly violates title VI of the Civil Rights Act of 1964 and Religious Land Use and Institutionalized Persons Act, as well as the First and Fourteenth Amendment of the United States Constitution. Detained immigrants at Stewart observed a high level of prejudice among the guards at the facility, reporting that Spanish-speaking guards were harassed by non-Spanish-speaking guards speaking with the detained immigrants in Spanish, and that such Spanish-speaking guards tended to disappear. This meant that non English-speakers are generally unable to articulate their needs or concerns to any of the guards, let alone file grievances.⁴⁴

Chinese and non-Chinese detained immigrants alike reported racial slurs and verbal abuse hurled against persons of Asian descent, and one non-Muslim detained immigrant at Stewart reported that the facility had to fire at least one guard due to repeated instances of racism and Islamophobia.⁴⁵ Muslim detained immigrants at Stewart reported that they were generally unable to access religious services, texts, or foods, and one even stated that the guards deceived them by feeding them food that the guards claimed was *halal*, but that the detained immigrants later discovered was not *halal*.⁴⁶

Detained immigrants at Irwin who do not speak English experience similar discrimination and sparsity of access as their counterparts at Stewart. Verbal abuse and racial slurs were commonly used against immigrants, with many guards shouting at them to "go back to your own country," and threatening them that "you'll never get out."⁴⁷ Catholic, Jewish, and Muslim detained immigrants have all reported trouble practicing their faith, noting that they were often denied access to religious texts or services in a manner that Protestant detained immigrants were not.⁴⁸

Detained immigrants at both facilities also reported that the guards fail to intervene in altercations, overlooking confirmed cases of abuse, assault, and even rape.⁴⁹ "I have witnessed and experienced rape," recollected one male immigrant from El Salvador. "I was unconscious for three days. I went to medical and they confirmed that I was raped. I would ask them for the number to my embassy, the numbers to all the consulates, and they

⁴¹ *Id.*

⁴² *Id.* at 49.

⁴³ United States Department of Justice, Report and Recommendations Concerning the Use of Restrictive Housing, 99 (2016), <https://www.justice.gov/archives/dag/file/815551/download>.

⁴⁴ *Id.* at 39.

⁴⁵ *Id.*

⁴⁶ *Id.* at 34.

⁴⁷ *Id.* at 50.

⁴⁸ *Id.* at 47.

⁴⁹ *Id.* at 51.

wouldn't give it to me. I asked them for weeks on end. They wouldn't let me contact the consulates. And at one point while I was in the infirmary, they were denying the phone to me completely. They said they were going to pursue charges against the men who raped me, but I never received notice that charges had been filed. I heard wails in the middle of the night in the male dorms, and I believe other men were being raped. Everyone knew what was going on, but they just made louder sounds to cover the noise up. What's really sad is that no matter what you do, you push the button in the room, those officers will take their sweet time. Something awful could be happening in those rooms, and those officers will take their time. I have never seen anything like that. It's horrible."⁵⁰

III. Involuntary Labor

The Thirteenth Amendment to the United States Constitution states that "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States."⁵¹ The Supreme Court has clearly articulated the principle that immigration detention is non-punitive, and that it is civil, rather than criminal in nature.⁵² Involuntary labor in immigration detention, then, falls within the definition of slavery as abolished by the Thirteenth Amendment and the Emancipation Proclamation. Detained immigrants at Stewart and Irwin, however, are coerced into participating in labor programs.

Both Stewart and Irwin are operated by prison corporations that receive a set dollar amount from the government based on the number of immigrants the facilities detain; they thus attempt to cut the amount of money they spend per detained immigrant.⁵³ To this end, these facilities do not provide basic services such as cleaning and laundry, instead relying on the unpaid labor of detained immigrants to cut their administrative costs.⁵⁴ Even when such labor is paid, the detained immigrants receive far less than the minimum wage: \$1-4 for a day's labor at Stewart⁵⁵ and sometimes no money at all, and \$1 or less for a full day's work at Irwin.⁵⁶

Even if detained immigrants do not want to participate in intensive and low-paying labor, the conditions of detention force them to scramble for a dollar or two of pay. The poor quality of food in both facilities, as well as frequent spoilage, inadequate quantity, and hygiene risks, force detained immigrants to purchase food from the commissary, further adding to the facilities' revenue streams. As physical visitations are a logistical unlikelihood in these facilities, the paid phone calls are typically the only way in which detained immigrants can remain in touch with their families. "On weekends, in lieu of money, I get two pieces of chicken for my work," reports one detained immigrant from Mexico, "I don't think it's fair. I have to get money from family to pay for phone use, hygiene products, and commissary food."

IV. CONCLUSION

We write to you on behalf of those confined behind the walls of Stewart and Irwin, and on behalf of their loved ones. The scope and magnitude of legal and moral failures that are rampant in Stewart and Irwin demanded much time and space to document and report. We hope that you will take the time to read our full

⁵⁰ *Id.* at 50.

⁵¹ US Constitution Amendment XIII.

⁵² [Zadvydas v. Davis, 533 U.S. 678, 121 S. Ct. 2491 \(2001\)](#).

⁵³ *Imprisoned Justice* at 7.

⁵⁴ *Id.* at 31, 43.

⁵⁵ *Id.* at 33.

⁵⁶ *Id.* at 47.

report, as we believe that it demands *your* attention. We ask that you investigate the conditions at Stewart and Irwin detention centers and take appropriate measures.

If you have any questions, please feel free to contact Azadeh Shahshahani at azadeh@projectsouth.org, 404-622-0602.

We thank you for your time and your attention to this matter.

Sincerely,

Alterna

American-Arab Anti-Discrimination Committee

American Immigration Lawyers Association

Asian Americans Advancing Justice - Atlanta

Atlanta Mennonite Fellowship

Berry College Young Democrats

Black Alliance for Just Immigration (BAJI)

Casa Esperanza

Coalicion de lideres latinos-CLILA

Columbia Law School Immigrants' Rights Clinic

Council on American-Islamic Relations, Georgia Chapter

Defending Rights & Dissent

Detention Watch Network

Dominicans of Sinsinawa

DRUM - Desis Rising Up & Moving

El Refugio Ministry

Friends of Broward Detainees

Georgia Association of Criminal Defense Lawyers (GACDL)

Georgia Chapter, Lawyers for Good Government

Georgia Coalition for the People's Agenda

Georgia Detention Watch

Georgia Latino Alliance for Human Rights (GLAHR)

Georgia Rural Urban Summit

Georgia Women (And Those Who Stand With Us)

Hate Free Decatur

Hope Border Institute

Japanese American Citizens League

Jewish Voice for Peace, Atlanta Chapter

Jewish Voice for Peace - Triangle NC

Justice in Motion

Justice Strategies

Latino Community Fund (LCF Georgia)

LatinoJustice PRLDEF

Massachusetts Immigrant and Refugee Advocacy Coalition (MIRA)

Metro Atlanta Democratic Socialists of America

Migrant Center for Human Rights

Movement to End Racism and Islamophobia

Muslims for Social Justice
National Asian Pacific American Women's Forum (NAPAWF)
National Asian Pacific American Women's Forum (NAPAWF) - Atlanta Chapter
National Consortium of Immigration Law Firms
National Immigrant Justice Center (NIJC)
National Immigration Law Center
National Lawyers Guild
National Lawyers Guild Georgia Chapter
National Lawyers Guild Louisiana Chapter
National Lawyers Guild North Carolina Chapter
National Network for Arab American Communities
National Police Accountability Project
New Sanctuary Movement of Atlanta
Physicians for Criminal Justice Reform (PfCJR)
Project South
Racial Justice Action Center
Reformed Church of Highland Park
Refugio del Rio Grande
School of Americas Watch
Services, Immigrant Rights, and Education Network (SIREN)
Sisters for Christian Community
Showing Up for Racial Justice - Atlanta
Social Justice Guild of First Existentialist Congregation of Atlanta
Southeast Asia Resource Action Center (SEARAC)
Southeast Immigrant Rights Network I SEIRN
Southern Center for Human Rights
Southerners on New Ground
Southern Poverty Law Center
T'ruah
Unitarian Universalist Service Committee
U.S. Committee for Refugees and Immigrants
US Human Rights Network
Women Watch Afrika