



VIA EMAIL

January 29, 2020

Corey Price
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U.S. Immigration and Customs Enforcement
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RE: URGENT AND TIME-SENSITIVE -- Release Juan Escamilla and reunite him with his family

Dear Mr. Price:

We write to demand that U.S. Immigration and Customs Enforcement (“ICE”) immediately release Juan Escamilla (A#213 285 724)—a beloved father and grandfather and courageous asylum seeker—from civil immigration detention in the Otero County Processing Center and reunite him with his young daughter and infant granddaughter.

This matter is urgent and time-sensitive because the maternal aunt with whom the children are living was served last week with a removal order; she must leave the United States by April 30, 2020. The aunt’s impending removal places the children in an exceptionally vulnerable position: already separated from Mr. Escamilla for more than seven months, they now face the potential loss of their sponsor.

Moreover, this family should not have been separated. ICE claims to have had concerns about parentage, but it admits any such concerns were resolved months ago. Mr. Escamilla nonetheless was kept apart from his family and never told he had the right to be reunited with them.

Detailed Summary of Family Separation

In early July 2019, Mr. Escamilla, his then-fifteen-year-old daughter J., and his granddaughter came to the United States seeking safety and protection. The three fled El Salvador—the only home they have ever known—after a gang tried to force Mr. Escamilla to work for them. The gang later threatened that they would kill him and his daughter. The threats escalated when the gang partially destroyed his home. Mr. Escamilla fled his country with his daughter and granddaughter that same day.

When the three arrived in the United States, Mr. Escamilla believed that they would finally be safe. Instead of protecting the family, the government has magnified and compounded their trauma. Government agents ordered Mr. Escamilla to shower and, when he returned from the shower, his daughter and granddaughter were gone. Shocked and terrified for his child's and grandchild's safety, Mr. Escamilla pleaded with the government agents to tell him why they had taken the children and where the children were. The agents dismissed his pleas and questions with "I don't know." Government agents later asked Mr. Escamilla for the children's birth certificates, but they did not explain why.

The government now claims that it forcibly separated Mr. Escamilla from his daughter and granddaughter because it believed Mr. Escamilla was not his daughter's biological father. In fact, Mr. Escamilla *is* his daughter's biological father and the birth certificate he gave to the government to prove their relationship *is* authentic.

On September 4, 2019, the U.S. government received a certificate from the Salvadoran Consulate authenticating the birth certificate that Mr. Escamilla first provided the government in July. Nevertheless, the government persisted in detaining Mr. Escamilla in Otero and his daughter and granddaughter in ORR custody, and the agents never told him about how he could reunify with his daughter and granddaughter.

In late September 2019, the government released young J. and her child from ORR custody to their aunt in Florida, where they remain separated from Mr. Escamilla and continue to suffer trauma from the separation. A child advocate from the Young Center for Immigrant Children's Rights urges that the government immediately reunify Mr. Escamilla and his daughter, having found that "[i]t is unequivocally in [J.'s] best interests to be reunited with her father free from detention."

Court developments also make clear that this separation should not have happened and should not continue. Just this month, the Honorable Dana Sabraw of the U.S. District Court for the Southern District of California enjoined the government from separating children from their parents based solely on parentage concerns. As background, Judge Sabraw has presided over the federal class-action suit *Ms. L v. ICE* since the spring of 2018. The lawsuit brought national attention to the government's policy of forcibly separating thousands of children from their parents. On June 26, 2018, Judge Sabraw enjoined the government from detaining parents separately from their children except in rare circumstances. In his most recent (January 13, 2020) order in *Ms. L*, Judge Sabraw enjoined the government from separating families based on parentage concerns without first conducting a DNA test to verify parentage, and ordered that the government must bear the burden of showing an adult and child are not related.

We demand that the government immediately release Mr. Escamilla from Otero and reunite him with his daughter and granddaughter in the United States. We ask for a response to this letter by 5 PM MT on Tuesday, February 4, 2020. If we do not receive a response by 5 PM on February 4, 2020, we will pursue all legal avenues to vindicate Mr. Escamilla's constitutional right to be reunited with his young child and grandchild.

Sincerely,

/s/ electronically signed on 1/28/2020

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/s/ electronically signed on 1/28/2020

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