

## The Sikh Coalition on U.S. Immigration and Detention Policy: Frequently Asked Questions about our Work and Positions

The Sikh Coalition values community questions and feedback on every advocacy issue that we engage on. In our effort to provide clarity and transparency in every area of our work, we want to directly answer some of the most frequently asked questions regarding our U.S. immigration and detention-related work and positions. Questions and answers about our work begin on page two; questions and answers about our positions begin on page four.

**Please note that the information contained in this document is not intended as legal advice.**



## **FAQs on the Sikh Coalition's Work on Immigration and Detention Issues**

### **How is the Sikh Coalition addressing immigration issues?**

The Sikh Coalition advocates for the broader interests of detained Sikhs whose civil rights have been violated based on their Sikh identity. In doing so, we also partner with and provide support to other immigration and civil rights organizations, specifically on detention-related civil rights issues involving Sikhs in the United States. While the U.S. immigration and detention crisis continues, we will continue working to protect and defend the civil rights of Sikhs inside detention facilities across the nation, it is not a current organizational goal to make immigration policy a core part of the Sikh Coalition's programmatic work.

While the Sikh Coalition does not represent individuals directly in immigration and asylum cases, we have visited detention centers in Texas and New Mexico and brought specific civil rights concerns to the attention of the U.S. Department of Homeland Security's (DHS) Office of the Inspector General and the U.S. Immigration and Customs Enforcement (ICE) in an [administrative complaint](#) filed on April 1, 2019. Our complaint addresses ICE's failure to provide adequate language assistance, medical care, and religious accommodations in detention facilities, and its failure to properly assess individual immigrants' cases when making parole and bond decisions. On July 16, 2019, the Sikh Coalition spearheaded a congressional letter signed by 36 civil rights organizations that further addressed our ongoing concerns about the mistreatment and deprivation of due process rights of Sikhs and other migrants and asylum seekers being held in ICE custody. We have also submitted Freedom of Information Act (FOIA) requests on behalf of Punjabi speaking detained individuals regarding bond and parole practices and have worked with detention center chaplains' offices to provide religious articles to Sikh detainees.

### **Does the Sikh Coalition provide direct aid on individual Sikh asylum cases?**

No. The Sikh Coalition does not provide direct legal services for individual Sikhs seeking asylum or legal status in the United States, because it is critical that individuals are represented by immigration attorneys with that expertise. However, we have gathered [resources](#) that may be helpful to community members, and we have a referral list of Punjabi-speaking immigration attorneys who work on asylum cases for those who need these types of legal resources.

### **Does the Sikh Coalition provide direct aid on individual Sikh detention cases?**

No, the Sikh Coalition does not singularly provide direct legal services for Sikhs once they are inside the U.S. detention system. However, we will work with other immigration and civil rights organizations to investigate reports that Sikhs are experiencing human and civil rights abuses, violations of religious rights, or other discrimination while held in ICE or other detention facilities. If we believe the claims have merit, we will then initiate action on behalf of the detainees whose rights are being violated with the goal of changing the systems and policies that enable the problem to occur in the first place.

### **Does the Sikh Coalition provide translation services to Sikhs inside detention centers?**

Language access is critical to protecting due process and civil rights. The Sikh Coalition works with individual immigration attorneys and community members to do everything in our power to make sure that appropriate translation services are made available to Sikhs on a case-by-case basis. This work also includes investigating the Department of Homeland Security (DHS)



language access policies and materials to improve language access for Sikhs inside the detention system.

**Does the Sikh Coalition provide articles of faith to Sikhs inside detention centers?**

The Sikh Coalition will always protect and defend the right to practice Sikhi freely in the United States, regardless of the situation or circumstance. If you or somebody you know is having their religious rights violated inside a U.S. detention facility, please contact the Sikh Coalition to learn more about the free resources we provide, including free legal services. The Sikh Coalition continues to make sure that ICE provides and respects religious accommodations. When problems arise, including shortages of religious materials or resources (including gutkas, karas and turban material), the Sikh Coalition works with community members across the United States to ensure that these problems are promptly addressed.

**What is the Sikh Coalition doing to address civil rights concerns in detention centers?**

The Sikh Coalition will continue to defend the inclusive treatment of individuals inside the United States, regardless of their immutable characteristics such as race, religion, nationality, gender, ethnicity, and sexuality. We are here to protect these basic civil rights for every Sikh in America, regardless of their citizenship or circumstances. We are not in a position to comment on the individual merits of any asylum or other immigration case, but we will advocate for the basic civil liberties of detained individuals within the United States.

Increasingly, prejudicial rhetoric and policies have resulted in detainees being denied fundamental religious rights throughout the detention process. Specifically, Sikhs have been denied access to vegetarian meals, turbans, and karas; in some instances coerced into hair cutting or denied access to congregate in the religious service room for prayers with other Sikhs; and forced to pray next to an open toilet in a dirty jail cell. With their requests for bond denied, many Sikhs spend months or even years in detention while their cases are working their way through the court and appellate process.

These recurring institutional problems demand attention, accountability, and redress. As the largest Sikh civil rights organization in the United States, we have a moral and ethical responsibility to make sure that these issues are being addressed on behalf of Sikhs. As such, we are working to make sure all Sikh detainees have access to ICE detainee handbooks which outline their conditions of treatment and eligibility for ICE bonds in Punjabi so they are better able to advocate for themselves while being detained.



## **FAQs on the Sikh Coalition's Positions on Current Issues in Immigration Conversation**

### **What is the Sikh Coalition's position on Sikhs seeking asylum in the United States?**

The Sikh Coalition understands, and courts have held, that every asylum case is different and must be reviewed and considered on an individual case-by-case basis. For generations, Sikhs have legally sought asylum in the United States for reasons that are consistent with both United States and international asylum laws. These cases must continue to be treated in a fair and equitable manner under the law, and the United States must continue to be a welcoming place for Sikhs and other immigrants who have legitimate safety and security reasons for fleeing their country of origin.

### **What is the Sikh Coalition's position on illegal immigration?**

The Sikh Coalition supports inclusive treatment of individuals regardless of their immutable characteristics such as race, religion, nationality, gender, ethnicity, and sexuality. Prejudice has no place in American values, and policies based on stereotypes and xenophobia lead to bias against minority and marginalized communities--regardless of their immigration status--unjustly subjecting these communities to hate crimes, discrimination, and bullying. Immigration policies should not exploit or spread discrimination and hate but must instead be grounded in fair, equal, and humane treatment consistent with human rights laws.

### **What is the Sikh Coalition's position on U.S. border security?**

The United States, like all nations, has a host of laws designed to enforce border security. Those laws should be humane, equitable, and provide fair due process protections to all individuals. Any policy proposal to increase or decrease border security should be devoid of racism, classism, and bigotry that dehumanize whole communities or further jeopardize the safety of minorities, including Sikhs, living inside the United States.

### **What is the Sikh Coalition's position on the forced deportation of undocumented immigrants?**

The Sikh Coalition respects safe and humane decisions made by government agencies that are functioning in a transparent, consistent, and accountable manner in making determinations on the merits of individual immigration cases, including whether individual immigrants are entitled to remain in the United States. However, it is essential that constitutionally guaranteed due process rights and fair hearings before unbiased judges--with the assistance of competent interpreters--are afforded to all immigrants coming before our immigration courts. We will continue fighting to ensure that these rights are respected throughout the immigration process. Immigrants should have the opportunity to learn their legal rights, seek legal status in accordance with the law, and be provided a fair opportunity to present their cases in court.

### **What is the Sikh Coalition's position on separating families at the border?**

Families should remain together. Unless there is evidence of neglect or violence, children should never be placed in detention facilities that separate them from their immediate families. Beyond physical danger and trauma associated with family separations, Sikh youth separated from their families face a threat of losing their identity with caretakers who do not understand the faith, language, or culture. We believe policies that unjustly punish immigrant children by separating them from their loved ones violate the spirit of this nation's founding, laws and values.



Further, the standards outlined in the settlement of *Flores v. Reno* (*Flores* settlement) detailing the treatment of migrant children should remain in effect. This settlement was made by the U.S. government and advocates in 1997 and has provided necessary safeguards designed to protect children, who are particularly vulnerable to harm while remaining in restricted custodial conditions. It limits the period of time children can be detained in a CBP or ICE facility and regulates conditions of their confinement. In 2015, the agreement was extended to grant these protections to families traveling with children. The conditions contained within this agreement must remain intact to protect children from indefinite detention and to prevent families from being separated.

**What is the Sikh Coalition’s position on the U.S. government trying to enforce local, state, or federal laws that force residents to answer the citizenship question?**

At present, all persons residing within the United States have the right NOT to answer a citizenship question. We support every person residing in the United States being fully apprised of their legal rights, including the right not to answer questions regarding citizenship. If you or somebody you know is profiled by ICE or local law enforcement solely because of perceived religious identity or nationality, please contact the Sikh Coalition’s legal team for free legal resources.

**What is the Sikh Coalition’s position on the Deferred Action For Childhood Arrivals (DACA)?**

Vulnerable individuals who are involuntarily brought to the United States, such as children, should be afforded solutions that reward a commitment to becoming law-abiding members of our society. How we treat this category of immigrants is not just a policy or political issue--it reflects who we are as a nation. We believe policies that unjustly punish immigrant children violate the spirit of this nation’s founding, laws, and values.

**What is the Sikh Coalition’s position on detaining immigrants for the duration of the immigration process?**

Anyone who is detained by the United States government, whether it be related to criminal charges or immigration matters, has the right to receive all of the protections guaranteed by the U.S. Constitution and federal law. Thus, migrants and asylum-seekers must be afforded due process, which requires that they are provided with a full and fair hearing to determine whether they should be released from custody based upon an individual assessment of whether they are a flight risk or pose a danger to the community. These hearings should consider all relevant factors, including whether an individual has family with whom they can stay during the pendency of their case, their financial means in order to determine what constitutes a reasonable bond, and whether there are other non-monetary means (including electronic monitoring and regular check-ins) to assure their appearance in court.

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### **What is the Sikh Coalition's position on force feeding hunger strikers in ICE detention facilities?**

We believe it is necessary to address the underlying issues that lead to hunger strikes within ICE detention facilities, which often relate to due process violations in immigration courts and violations of civil rights occurring in individual detention facilities. While we are not medical professionals and cannot authoritatively speak to the severe health concerns associated with hunger striking and force-feeding, we are cognizant of the fact that detained individuals have very few forms of protest available to them when they feel their rights are violated and often resort to hunger striking out of a lack of other options. Such violations that Sikhs have expressed include: difficulty obtaining religious accommodations such as turban material, opportunities to engage in group prayer, clean places to engage in daily prayers, and food that complies with their religious beliefs. We have also received multiple complaints about inadequate medical care and biased and cruel treatment from facility staff.

In addition, there are serious limitations to language access in both immigration courts and detention facilities, which can have severe consequences. Immigrants appearing before immigration judges have a high burden to meet in order to be granted asylum and other forms of relief. In order to meet this burden, it is of paramount importance that they be able to accurately convey the details of their cases to judges. However, many Sikhs - and other immigrants - do not receive interpreters or receive incompetent interpreters who in the immigrant's language, making it virtually impossible for an individual to have his or her case fairly assessed. Similarly, detention facilities often lack appropriate translations of important documents, including those that contain facility rules that must be followed, and interpreter services. This problem results in misunderstandings, which can lead to rule violations. Rule violations - even for minor infractions - can result in disciplinary actions that are inhumane and result in the deprivation of rights, such as solitary confinement.

