



July 29, 2026

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Office of Inspector General (OIG)
245 Murray Lane SW
Mail Stop 0305
Washington, DC 20528-0305

Office for Civil Rights and Civil Liberties (CRCL)
U.S. Department of Homeland Security
245 Murray Lane SW, Building 410
Washington, D.C. 20528
(sent via email: crcl@hq.dhs.gov)

Field Office Director
ICE Enforcement and Removal Operations (ERO)
New Orleans Field Office
181 James Drive W
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Dr. Ada Rivera
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U.S. Immigration and Customs Enforcement
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Office of the Principal Legal Advisor
500 12th Street, SW
Mail Stop 5904
Washington, DC 20536-5904

Office of the Immigration Detention Ombudsman (via complaint portal)
U.S. Department of Homeland Security
245 Murray Lane SW
Mail Stop 0305
Washington, DC 20528-0305

**RE: Urgent Complaint Regarding the Continued Detention of [REDACTED]
[REDACTED] a Nursing and Postpartum Mother of Two U.S.
Citizen Children, an Infant and a Toddler with Special Needs, at South Louisiana
ICE Processing Center**

Dear Officer for Civil Rights and Civil Liberties:

Sanctuary of the South ("SOS") and the Tennessee Immigrant and Refugee Rights Coalition ("TIRRC") submit this urgent complaint on behalf of their client, [REDACTED] ("Ms. [REDACTED]"), along with the American Civil Liberties Union of Louisiana, the Robert F. Kennedy Human Rights Center, the Southern Poverty Law Center, and Amnesty International. Ms. [REDACTED] is currently in ICE custody at the South Louisiana ICE Processing Center in Basile, Louisiana.

Ms. [REDACTED] is a Guatemalan asylum seeker and survivor of severe domestic violence who has lived in the United States since 2022. She is the mother of two U.S. citizen daughters. Her younger daughter was nine months old and actively breastfeeding at the time of arrest and is approaching 11 months as of the time of this urgent complaint. *See* Ex. A (Birth Certificate for Child 1). Her two-year-old daughter has Down Syndrome and requires ongoing medical care and weekly therapy, all of which Ms. [REDACTED] was personally managing prior to her detention. *See* Ex. B (Birth Certificate of Child 2 and C (Medical Records for Child 2)).¹ Ms. [REDACTED] was arrested on May 19, 2026, at her home in Nashville, Tennessee, not pursuant to any warrant naming her, but incident to the arrest of another individual. She has no criminal history of any kind, including no traffic violations, and passed a credible fear interview in June 2022.

II. BACKGROUND AND FACTS

A. Detention History and Circumstances

Ms. [REDACTED] entered the United States without inspection in May 2022 and was apprehended near the Texas-Mexico border. She was found to have a credible fear of persecution and released

¹ Ms. [REDACTED]'s children's names have been redacted to protect their privacy. Please reach out to undersigned counsel Katherine H. Blankenship should you need more information.

into the interior of the United States. She settled in the Nashville area, worked in construction, and raised her daughters. She has had no contact with immigration authorities in the four years since her release, aside from the initial credible fear interview.

On May 19, 2026, ICE agents arrived at Ms. [REDACTED]'s home seeking the father of her children, who is separately facing federal charges. Ms. [REDACTED] was not named in any warrant and was not the subject of the enforcement action, but was nonetheless taken into ICE custody while putting her daughters in the car and preparing to go to a medical appointment. She was transported first to the West Tennessee Detention Center in Mason, Tennessee, which holds immigration detainees long-term as they participate in removal proceedings in the Memphis Immigration Court. She received no bond hearing. On or about May 21, 2026, she was transferred to the South Louisiana ICE Processing Center in Basile, Louisiana, where she remains detained and has no access to a bond hearing due to the Fifth Circuit's decision in *Buenrostro-Mendez v. Bondi*, 166 F.4th 494 (5th Cir. Feb. 6, 2026).

B. Ms. [REDACTED]'s Status as a Nursing and Postpartum Mother

Ms. [REDACTED]'s younger daughter was eight months old and actively breastfeeding at the time of Ms. [REDACTED]'s arrest. Ms. [REDACTED] also has a two-year-old daughter with Downs Syndrome who was also breastfeeding. Ms. [REDACTED] has been separated from both of her daughters for nearly two months, forcing mother and children to abruptly cease breastfeeding. Since her detention, her daughters have been in the care of a neighbor, as the family has no other support network in the area.

C. Harm to Ms. [REDACTED] and Her Children

Ms. [REDACTED] is experiencing the physical effects of the abrupt cessation of breastfeeding, compounded by her existing diabetes, which she was actively managing, including an appointment she was traveling to at the time of her arrest, prior to her detention. Her older daughter, who has Down Syndrome and a documented history of other medical complications, has been without her mother's daily care and has missed her ongoing weekly therapy, which Ms. [REDACTED] coordinates for her. The separation of an infant from a nursing mother, and of a medically fragile toddler from her primary caregiver, causes significant and ongoing harm to all three family members.

D. Facility's Failure to Act

Undersigned counsel has raised Ms. [REDACTED]'s status as a nursing mother and the medical needs of her children directly with ICE and facility personnel, including via written correspondence dated June 30, 2026 and July 15, 2026 (Ex. D, Written Correspondence with ICE and Facility Personnel), and has received no substantive response or indication that ICE has undertaken the

individualized custody reevaluation required by its own directive. *See* Ex. E (ICE Directive 11032.4: Identification and Monitoring of Pregnant, Postpartum, or Nursing Individuals); *see also* Ex. F (ICE Directive 11064.4: Detention and Removal of Alien Parents and Legal Guardians of Minor Children).

III. APPLICABLE LEGAL STANDARDS AND VIOLATIONS

A. Fifth Amendment Due Process

Civil immigration detainees are held pursuant to civil authority and are not serving criminal sentences. Their rights are governed by the Due Process Clause of the Fifth Amendment, which prohibits detention conditions that amount to punishment. *See Bell v. Wolfish*, 441 U.S. 520, 535 (1979); *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Ms. [REDACTED]'s continued detention, absent any individualized determination that she poses a danger or flight risk, and in the face of the acute harm her separation causes to her nursing infant and medically fragile toddler, raises serious due process concerns independent of the directive violation described below.

B. ICE Directives 11032.4 and 11054.4

ICE's own Directive 11032.4, Identification and Monitoring of Pregnant, Postpartum, or Nursing Individuals, provides that ICE should generally not detain, arrest, or continue to detain individuals known to be pregnant, postpartum, or nursing "unless release is prohibited by law or exceptional circumstances exist." *See* Ex. E. The Directive defines "nursing" as breastfeeding a child regardless of the time elapsed since birth, and defines "postpartum" as the one-year period following childbirth. Exceptional circumstances justifying continued detention are limited to (1) national security concerns, or (2) an imminent risk of death, violence, or physical harm to another person. Neither circumstance applies to Ms. [REDACTED] who has no criminal history and poses no risk to any person.

Moreover, in its detention and transfer of Ms. [REDACTED] ICE has also disregarded ICE Directive 11064.4 Detention and Removal of Alien Parents and Legal Guardians of Minor Children (July 2, 2025). *See* Ex. F. That directive defines "covered individual" to include persons like Ms. [REDACTED] who are parents and primary caretakers of minor child(ren) in the United States. It outlines various steps the agency must take to facilitate a covered individual's ability to interact with and visit with their minor children, and requires that ICE take into consideration a detained individual's status as a covered individual in making detention and transfer decisions. *See* sections 5.3, 5.5. ICE transferred Ms. [REDACTED] to a facility nearly seven hundred miles from her nursing and vulnerable infant and toddler and has taken no steps to facilitate her visitation with them within 30 days as required by Section 5.5 of the Directive.

Under the *Accardi* doctrine, an agency is bound to follow its own regulations and internal procedures, and courts may set aside agency action that fails to comply with them. *See Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954); *Richardson v. Joslin*, 501 F.3d 415, 418 (5th Cir. 2007). Ms. [REDACTED] falls squarely within both Directives' protection, and her continued detention absent a showing of an enumerated exceptional circumstance is inconsistent with ICE's own binding policy. A federal court in this district recently ordered the release of a similarly-situated nursing and postpartum mother detained at this same facility on precisely this basis. *See San Juan v. Mullin*, No. 6:26-cv-01795, 2026 U.S. Dist. LEXIS 150091 (W.D. La. July 7, 2026).

IV. RELIEF REQUESTED

In light of the ongoing harm to Ms. [REDACTED] and her two U.S. citizen daughters, we respectfully request that DHS immediately:

1. Confirm in writing whether ICE contends any enumerated exceptional circumstance applies to Ms. [REDACTED]'s continued detention, and if so, the basis for that determination; and
2. Facilitate Ms. [REDACTED]'s immediate release so that she may resume care of her nursing infant and her daughter with Down Syndrome.

We implore DHS to act immediately. Every day of delay increases the risk of irreversible harm to Ms. [REDACTED] and her two U.S. Citizen children. Should DHS fail to act according to its own policy, we will pursue all legal relief and redress available, including Federal Tort Claims Act and constitutional claims. We are available to speak at any time and can provide supporting documentation upon request.

Respectfully,

Katherine Blankenship
Sanctuary of the South, PLLC

Spring Miller
Tennessee Immigrant and Refugee Rights
Coalition

Nora Ahmed
ACLU of Louisiana

Anthony Enriquez
Robert F. Kennedy Human Rights Center

Amy Fischer
Amnesty International

Anne Janet Hernandez
Southern Poverty Law Center

*[Exhibits removed to protect client and children's identity and
privacy]*