



March 12, 2020

Matthew T. Albence
Senior Official Performing the Duties of the Director
U.S. Immigration and Customs Enforcement

Submitted via email

Henry Lucero
Executive Associate Director
U.S. Immigration and Customs Enforcement
Enforcement and Removal Operations

Submitted via email

Re: URGENT: ICE facilities and COVID-19

Dear Mr. Albence and Mr. Lucero:

On behalf the American Immigration Lawyers Association (AILA) Immigration and Customs Enforcement (ICE) Liaison Committee (“Committee”), we are writing to request that ICE immediately implement procedures for the prevention and management of COVID-19 at all ICE facilities, including all detention centers and ICE locations where individuals must report for ICE supervision.

[CDC guidance](#) provides that older adults and people who have serious chronic medical conditions including heart disease, diabetes, and lung disease are at higher risk for getting very sick or dying from COVID-19. The CDC advises that these higher risk people take precautions such as avoiding crowds and close contact with others. Where there is COVID-19 spreading in the community, the CDC recommends that these higher risk individuals take extra measures including increasing the distance between themselves and others.

We ask for the immediate release from detention those who are at high risk of serious illness or even death, including people 60 and older, those with underlying health conditions including heart disease, lung disease, or diabetes, people who have weakened immune systems, and people who are pregnant, are elderly, or have pre-existing conditions. In addition, we urge you to consider canceling or rescheduling appointments, and/or implementing other alternative

measures, such as telephone check-ins, for all persons who are under Orders of Supervision (OSUP) and/or the Intensive Supervision Appearance Program (ISAP).

Many of the detention centers are at maximum capacity and are a breeding ground for rapid transmission of the coronavirus to the population, which includes detainees, ICE personnel, attorneys, and Immigration Judges at detained courts. A large segment of the detained population includes persons who do not present a flight risk, demonstrate that they have U.S. sponsors and long-term ties to the community, and have no or low-level infractions, such as minor traffic violations.

Moreover, the population that is currently fulfilling OSUP and/or ISAP reporting requirements face similar dangers to exposure and spread of the virus to the general public, as many ICE check-in facilities are overcrowded with cramped waiting rooms with countless people in close proximity with one another and with ICE staff. OSUP and ISAP check-ins often require multiple hour, and at times, day-long wait times in these conditions. ICE has already identified persons with OSUP and ISAP as not warranting ICE detention, but many are required to report frequently, furthering the potential for rapid transmission of the virus.

We further ask that ICE immediately permit its regional field offices to coordinate a response and receive proper guidance from each of their state health departments, and that each field office make local decisions on a case-by-case basis regarding determination of release, de-escalation of ICE reporting requirements, and closure of facilities. This matter is extremely urgent and ICE has the ability to implement appropriate and immediate measures, field office-by-field office, that can minimize and even prevent an outbreak, thus saving countless lives.

We urge that you consider and establish the following proactive measures immediately:

1. **Release of vulnerable populations from ICE custody**, including those persons who are detained and are at high risk of serious illness if they are infected, such as pregnant people, people 60 and over, and people with chronic illnesses, compromised immune systems, or disabilities, and people whose housing placements restrict their access to medical care and limit the staff's ability to observe them.
2. **Halt all ICE transfers** from facility-to-facility and to out-of-state locations in order to prevent the spread of the coronavirus throughout individual states and the U.S..
3. **Cancel and/or reschedule all OSUP and/or ISAP appointments** that are scheduled for at least the next 60-90 days, and extend the same for several months as conditions warrant.
4. **Immediately test the current ICE population and all new incoming detainees** exhibiting symptoms and/or presenting risk factors, as delayed confirmation of cases will necessarily be too late to prevent transmission within the population.
5. **Provide for proper hygienic supplies at all ICE detention and check-in facilities**, allowing easy access to all detained persons, the population under ICE supervision, and ICE staff.

6. **Engage in ongoing and open communication with stakeholders and the public** regarding ICE's procedures and decisions as related to managing COVID-19 in all facilities, as well as release of relevant data regarding the population under ICE detention and supervision.
7. **Publicly announce that ICE will not conduct enforcement activities in or around medical facilities.** ICE has already indicated that it does not conduct enforcement operations at medical facilities, except under extraordinary circumstances. But the "extraordinary circumstances" exception leaves people considering seeking medical attention guessing as to whether ICE might consider their case an extraordinary circumstance. Any hesitation to seek medical attention puts both the individual and the community at risk. In the midst of this crisis, ICE should unequivocally state that no enforcement will be conducted at or near medical facilities.

We respectfully request that you respond with an update on ICE's decisions in preventing an outbreak of COVID-19 **by Monday, March 16, 2020**. If you require any additional information, please contact Sui Chung, Chair of the ICE Liaison Committee at schung@lawgroupusa.com or Laura Lynch, Senior Policy Counsel at the American Immigration Lawyers Association at llynch@aila.org.

Sincerely,

The American Immigration Lawyers Association's Immigration and Customs Enforcement Liaison Committee

CC:

Barbara M. Gonzalez, Assistant Director, ICE Office of Partnership and Engagement,
Richard A. Rocha, ICE Spokesperson