



March 6, 2020

Thomas Decker  
New York Field Office Director  
Immigration and Customs Enforcement  
26 Federal Plaza, 9<sup>th</sup> Floor  
New York NY 10278

Warden Steven Ahrendt  
Bergen County Jail  
160 S. River Street  
Hackensack, NJ 07601

Director Ronald P. Edwards  
Hudson County Correctional Facility  
30-35 Hackensack Avenue  
Kearny, NJ 07032

Sheriff Carl E. DuBois  
Orange County Jail  
110 Wells Farm Rd.  
Goshen, NY 10924

Director Alvaro Ortiz  
Warden William Anderson  
Essex County Jail  
354 Doremus Ave  
Newark, NJ 07105

Dear Director Decker, Warden Ahrendt, Director Edwards, Sheriff DuBois, and Director Ortiz,

As New York City's pioneering New York Immigrant Family Unity Project (NYIFUP), representing detained immigrants facing deportation, we write to voice our concern about the impending spread of the new coronavirus (COVID-19) and how Immigration and Customs Enforcement's (ICE) detention centers in the New York area are planning to respond to the crisis.

As public health agencies around the world are vigorously preparing for and dealing with COVID-19's impact, and as the number of cases in New York/New Jersey is steadily rising, all ICE facilities must have a robust plan in place to respond to the pandemic. We urge you to share your plan publicly and immediately. This virus is highly contagious, and those who are detained in close quarters are particularly susceptible to infection and to rapidly spreading the illness.

In China, officials [reported](#) that over 500 COVID-19 cases stemmed from prisons in Hubei Province, which is where the virus originated. Prisons were similarly impacted during the 2009 H1N1 [outbreak](#).

Our legal representation and support of our clients depend on our ability to meet with them in person. Our own health and safety should not be placed in jeopardy as we seek to

continue zealously defending our clients. In addition to our clients and all who are detained within the jails, our clients' families, friends, and other individuals who regularly visit the facilities are at risk as well.

Last summer, when Bergen County Jail suffered a mumps outbreak, very little information was shared initially. As a quarantine was imposed, jail officials struggled to contain the outbreak, the quarantine time was extended, our clients' isolation grew, visits from attorneys, family and others diminished, and our clients' right to due process was undermined as court dates and appearances were postponed, with our clients languishing in increased civil detention. There was also significant misinformation shared by ICE and jail staff to our staff regarding when the quarantine was scheduled to end. We cannot allow that to once again occur.

Our concerns are exacerbated by the fact that on Wednesday, the first case of COVID-19 was confirmed in New Jersey. The individual is being hospitalized in Bergen County.

We request immediate answers from ICE about what measures are being taken to prevent a repeat of last summer, including how immigration court hearings will be impacted in the short and longer term. ICE must have measures in place to ensure that detained individuals have access to their attorneys. In particular, ICE must prioritize ensuring that each jail where it detains people has contingency plans, such as readily available video-conference systems, to ensure that people are able to consult with their attorneys if contact visits are not possible because of the jail's procedures. In addition, people detained by ICE must be able to meaningfully participate in their hearings and ICE must guarantee that the jails are taking all possible precautions to ensure that people are able to avoid being infected by others in close proximity.

We are calling for a specific response plan that will ensure our clients are treated humanely and with dignity. The plan should include details on how detainees who may have COVID-19 will be screened and identified, and what measures will be taken to assist those who are at high risk of serious illness if they become infected, such as those with chronic illness or a compromised immune system, as well as pregnant women. Additionally, we request information about what kind of treatment will be available to our clients and detainees, and what cleaning protocols will be in place.

The New York Department of Correction, which manages 11 facilities, including eight that are located on Rikers Island, [announced](#) that it is working with the CDC and NYC Department of Health, among others, to prevent the spread of COVID-19. While details of their plan remain somewhat vague, opening the lines of communication is a first step.

This is a public health emergency. It is critical that ICE detention centers and jails be prepared to respond appropriately to the crisis. It is essential for the health and well-being of our clients, attorneys, and staff, as well as for ensuring due process throughout legal representation, that we are made aware of ICE's pandemic response efforts immediately.

Above all, given the woeful history of addressing pandemics in ICE detention and the lack of clear planning to address COVID-19, we fear for the health and well-being of our clients in detention. We urge ICE to utilize its inherent discretion to release immigrants to their families and communities while they complete their cases.

Sincerely,

**Hasan Shafiqullah**

Attorney-in-Charge, Immigration Law Unit, The Legal Aid Society

**Andrea Sáenz**

Attorney-in-Charge, New York Immigrant Family Unity Project, Brooklyn Defender Services

**Sarah Deri Oshiro**

Managing Director, Immigration Practice The Bronx Defenders