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ICE ICE GUIDANCE ON COVID-19

ICE's Enforcement and Removal Operations COVID-19 Pandemic Response Requirements

On March 16, 2021, ICE released a revised version of the PRR, which includes several updates and points of clarification to the previous version of the PRR released on October 27, 2020.

Version 6.0, March 16, 2021

Previous Versions

On October 27, 2020, ICE released a revised version of the PRR, which updated the definition of and procedures surrounding severe psychiatric illness in ICE's identification of aliens at higher risk of severe illness from COVID-19; adjusted ICE procedures in notifying the detainee and his or her legal counsel within 12 hours that the detainee falls within the populations identified as potentially being at higher risk of severe illness from COVID-19 and/or subclasses certified in *Fraihat v. ICE*; added a requirement for non-dedicated ICE detention facilities to evaluate new admissions within five days of entering custody to determine if the detainee falls within the population identified as potentially at higher risk for serious illness from COVID-19; added a section on ICE procedures for handling vulnerable populations at high risk, to include performance standards for screening, testing and custody determinations, to include requiring all new arrivals into ICE detention be tested for COVID-19 within 12 hours of arrival (collection timeframe may extend to 24 hours if facility collection logistics require additional time); included updated procedures for the use of safe cleaning products, as well as reporting requirements and ICE investigations if adverse reactions to cleaning products are experienced by detainees; amended detainee transfers by discontinuing the transfer of ICE detainees except in certain circumstances, with transfers required to clear quarantine protocols and ICE Health Services Corps, and transfers for any other reasons requiring pre-approval by the local ERO Field Office Director; highlighted that extended lockdowns must not be used as a means of COVID-19 prevention practice; and established that medical isolation is operationally distinct from administrative or disciplinary segregation, or any punitive form of housing.

- ICE's Enforcement and Removal Operations COVID-19 Pandemic Response Requirements, Version 5.0, October 27, 2020

On September 4, 2020, ICE released a revised version of the PRR, a dynamic document that was developed in consultation with the CDC and is updated as new information becomes available and best practices emerge. This version of the PRR updates the list of COVID-19 symptoms recognized by the CDC; provides additional guidance on protocols for asymptomatic staff who have been identified as close contacts of a confirmed COVID-19 case; clarifies that whenever possible, ICE will limit transfers of both ICE detainees and non-ICE detained populations to and from other jurisdictions and facilities unless necessary for medical evaluation, medical isolation/quarantine, clinical care, extenuating security concerns, to facilitate release or removal, or to prevent overcrowding; updates isolation protocols for COVID-19 cases to incorporate the latest CDC guidance on discontinuing transmission-based precautions using a symptom-based or time-based strategy rather than a testing-based strategy; and provides additional information on testing for asymptomatic individuals with known or suspected recent exposure.

- ICE's Enforcement and Removal Operations COVID-19 Pandemic Response Requirements, Version 4.0, September 4, 2020

On July 28, 2020, ICE released a newly revised version of the PRR, which identifies additional populations potentially at higher risk for serious illness from COVID-19; provides updated guidance on personal protective equipment (PPE); updated guidance on hygiene practices; offers additional guidance when transporting a detainee with confirmed or suspected cases of COVID-19; includes direct reference to CDC guidance for individuals in medical isolation in detention facilities; and includes an updated testing section based on recently released CDC guidance.

- ICE's Enforcement and Removal Operations COVID-19 Pandemic Response Requirements, Version 3.0, July 28, 2020

On June 22, 2020, ICE ERO released a revised version of the PRR, which expanded the list of COVID-19 symptoms; identified additional vulnerable populations potentially at higher risk for serious illness from COVID-19; provided that if single isolation rooms are unavailable, individuals with confirmed COVID-19 should be isolated together as a cohort separate from other detainees, including those with pending test results and that suspected or confirmed COVID-19 cases maintain separation of groups by common criteria; and added facility compliance measures and updated visitation protocols.

- ICE's Enforcement and Removal Operations COVID-19 Pandemic Response Requirements, Version 2.0, June 22, 2020

On April 10, 2020, ICE Enforcement and Removal Operations (ERO) released the COVID-19 Pandemic Response Requirements (PRR), a guidance document developed in consultation with the Centers for Disease Control and Prevention (CDC) that builds upon previously issued guidance. Specifically, the PRR sets forth specific mandatory requirements expected to be adopted by all detention facilities housing ICE detainees, as well as best practices for such facilities, to ensure that detainees are appropriately housed and that available mitigation measures are implemented during this unprecedented public health crisis.

- ICE's Enforcement and Removal Operations COVID-19 Pandemic Response Requirements, Version 1.0, April 10, 2020

Updated: 03/17/2021

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