

January 26, 2021

Re: Administrative Action to Address COVID-19 in Immigration Detention

Dear President Biden, Director of U.S. Domestic Policy Council Rice, COVID-19 Czar Zients, and Nominee for Secretary of the Department of Homeland Security Mayorkas,

The 217 undersigned organizations demand the administration of President Joe Biden urgently prioritize addressing the spread of COVID-19 inside immigration detention as a critical component of the administration's first 100 days. Immigration Customs Enforcement (ICE) reports that as of January 7, 8,575 people in its custody across 117 facilities have tested positive for COVID-19 since the onset of the pandemic,¹ but advocates and experts can vouch that the rate of transmission in detention is likely much higher.² As expected, ICE's pandemic response has been a complete failure and we are calling on the new administration to take adequate action to resolve it. **These measures must include immediately releasing all people currently detained in ICE custody and ceasing all enforcement activity, deportations, and transfers between immigration detention facilities and from local, state, and federal jails and prisons into immigration detention.**

Our communities have directly experienced how ICE's actions have fueled the proliferation of COVID-19, as the agency continues to conduct transfers between facilities and to conduct mass deportations amid a global pandemic.³ For example, these actions have contributed to "super spreader" events in rural areas with already limited healthcare infrastructure - to the risk of entire communities.⁴ A recent report by advocacy group Detention Watch Network found that ICE detention facilities have contributed to more than 245,000 additional COVID-19 cases in communities throughout the country.⁵

Meanwhile conditions in ICE detention grow more dire each day. People in detention report inadequate access to food, soap, hygiene supplies, and personal protective equipment. Historically rampant medical neglect has further deteriorated with ICE denying care to people with severe COVID-19 symptoms and deferring essential

¹ <https://www.ice.gov/coronavirus>

² Smart, Noelle; Garcia, Adam. "Tracking COVID-19 in Immigration Detention." The Vera Institute. <https://www.vera.org/tracking-covid-19-in-immigration-detention>

³ Kassie, Emily; Marcolini, Barbara. "It was like a time bomb': How ICE helped spread the Coronavirus." The New York Times. July 10, 2020. <https://www.nytimes.com/2020/07/10/us/ice-coronavirus-deportation.html>

⁴ Del Valle, Gaby; Herrera, Jack. "Like Petri Dishes for the Virus': ICE Detention Centers Threaten the Rural South." Politico. May 5, 2020. <https://www.politico.com/news/magazine/2020/05/05/coronavirus-ice-detention-rural-communities-186688>

⁵ Hooks, Gregory; Libal, Bob. "Hotbeds of infection: How ICE Detention Contributed to the Spread of COVID-19 in the United States." Detention Watch Network. December 8, 2020. https://www.detentionwatchnetwork.org/sites/default/files/reports/DWN_Hotbeds%20of%20Infection_2020_FOR%20WEB.pdf

surgeries.⁶ ICE's cruel practice of solitary confinement as a means of "medical quarantine" has also become more prevalent with some people facing isolation for periods of two months or more,⁷ a practice which the United Nations has deemed a form of psychological torture.⁸ As conditions worsen, people in detention have organized protests to call for their release, including widespread hunger strikes.^{9,10} Among them, Victor Fonseca, a Venezuelan immigrant detained at the Northwest Detention Center in Washington has now been on hunger strike for more than 50 days.¹¹

These protests have been met with retaliation in the form of pepper spray, physical force, and solitary confinement. Advocacy group Freedom for Immigrants documented at least 199 instances of retaliation at 49 detention facilities since the onset of the pandemic, underscoring the systemic nature of this abuse.¹² At the same time, the average length of detention has increased – meaning that people are trapped in prolonged detention in these lethal conditions.¹³ As a result, Fiscal Year 2020 was the deadliest year in ICE detention since 2005, with 21 reported deaths in custody,¹⁴ eight due to complications from COVID-19. The death toll amassed by ICE proves that they cannot be trusted to care for immigrants in their custody.

In addition to the mass organizing inside detention, advocacy groups, community members, and loved ones of people detained across the country have been dedicated to securing the release of as many people as possible, via litigation, bond, and community mobilization. These efforts--undertaken entirely without government support--have

⁶ For detailed reporting on conditions in ICE detention during the COVID-19 pandemic, see "COVID-19 in ICE Jails and Prisons" by Freedom for Immigrants, available at <https://www.freedomforimmigrants.org/covid19>

⁷ Aleaziz, Hamed. "DHS Inspectors Found ICE Detainees Who Were Kept In Solitary Confinement for 300 Days." BuzzFeed News. December 17, 2020.

<https://www.buzzfeednews.com/article/hamedaleaziz/ice-immigrants-solitary-confinement>

⁸ Melzer, Nils. "United States: prolonged solitary confinement amounts to psychological torture." Office of the High Commissioner for Human Rights at the United Nations. February 28, 2020.

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25633>.

⁹ Keifer, Eric. "NJ Prison Hunger Strikes Continue; Essex Detainees Fear COVID." Patch.com. January 6, 2020.

<https://patch.com/new-jersey/newarknj/nj-prison-hunger-strikes-continue-essex-ice-detainees-fear-covid>

¹⁰ Tracking conducted by Detention Watch Network with the help of its membership has confirmed at least 49 hunger strikes, some with as many as 300 participants at a time and some ongoing, since March 2020.

¹¹ "ICE Guards Threaten to Force-Feed Hunger Striker as More Immigrant Prisoners Join Protest." Democracy Now. December 23, 2020.

https://www.democracynow.org/2020/12/23/headlines/ice_guard_threaten_to_force_feed_hunger_striker_as_more_immigrant_prisoners_join_protest

¹² <https://www.freedomforimmigrants.org/map>

¹³ Rosenberg, Mica; Cooke, Kristina. "Amid pandemic, sharply increased U.S. detention times put migrants at risk." Reuters. October 9, 2020.

<https://www.reuters.com/article/us-usa-immigration-detention-insight/amid-pandemic-sharply-increased-u-s-detention-times-put-migrants-at-risk-idUSKBN26U15Y>

¹⁴ Shoichet, Catherine E. "The death toll in ICE custody is the highest its been in 15 years." CNN. September 30, 2020. <https://www.cnn.com/2020/09/30/us/ice-deaths-detention-2020/index.html>

exposed the government's failure to keep people safe and underscore that the best place for everyone during the COVID-19 pandemic is within the care of their communities. Thus, it is critical that as an initial effort to the eventual overhaul of the unjust and unnecessary detention system, the Biden administration in its first 100 days:

- Release everyone currently detained in ICE custody to the community with notice to family and appropriate service providers.
- Enact a moratorium on deportations for the duration of the pandemic.
- Enact a moratorium on transfers between ICE facilities and from federal, state, or local custody into ICE custody for the duration of the pandemic.
- Enact a moratorium on all immigration-related enforcement actions, including requirements for people enrolled in any ICE supervision program to report in-person, enforcement in sensitive locations, and collateral arrests on the basis of immigration.

The coronavirus pandemic has exposed and exacerbated the inherent injustice of our immigration detention system. Thus, the Biden administration has a clear opportunity as well as a human rights and public health imperative to urgently act to mitigate against the further proliferation of COVID-19 and the threat to immigrants' lives in detention. We urge you to take the above steps to immediately halt the immigration enforcement regime and consider its subsequent overhaul for the protection of all of our communities.

Sincerely,

Adelante Alabama Worker Center
Advancement Project, National Office
Advocate Visitors with Immigrants in Detention (AVID)
Advocating Opportunity
Aldea - The People's Justice Center
Alianza Americas
Alianza Nacional de Campesinas
American Friends Service Committee
American Friends Service Committee, Colorado
American Indian Movement So Cal
Arriba Las Vegas Worker Center
Asylum-seekers Sponsorship Project
Autistic Women & Nonbinary Network
Bay Area Asylum Support Coalition (BAASC)
Bend the Arc Jewish Action
Benedictine Sisters of Baltimore
Black and Brown United in Action
Brooklyn Community Bail Fund
California Alliance for Retired Americans (CARA)
California Coalition for Women Prisoners
California Collaborative for Immigrant Justice
California Immigrant Youth Justice Alliance (CIYJA)

Capital Area Immigrants' Rights Coalition
Center for Civic Policy
Center for Constitutional Rights
Center for Disability Rights
Center for Law and Social Policy (CLASP)
Center for Popular Democracy
Center for Victims of Torture
Central American Resource Center - CARECEN-LA
Centro de Trabajadores Unidos (United Workers Center)
Centro Del Inmigrante
Centro Laboral de Graton/Graton Day Labor Center
Chicago Religious Leadership Network on Latin America (CRLN)
Church World Service
Coachella Valley Immigrant Dignity Rapid Response Network
Coalition for Humane Immigrant Rights (CHIRLA)
Colectiva Legal del Pueblo
Colorado People's Alliance (COPA)
Columbia Jewish Congregation
Community Asylum Seekers Project
Community Change Action
Community Justice Exchange-National Bail Fund Network
Community Legal Services in East Palo Alto
Congregation of Sisters of St. Agnes
Connect Kankakee
Connecticut Shoreline Indivisible
Courageous Resistance
Democratic Socialists of America
Denver Justice and Peace Committee (DJPC)
Detention Watch Network
Disability Rights California
Dominican Development Center, Inc.
Dominican Sisters ~ Grand Rapids
El Refugio
El Vínculo Hispano / Hispanic Liaison
EMMAUS
Etowah Visitation Project
Fair Immigration Reform Movement (FIRM)
Families for Freedom
Farmworker Association of Florida
First Parish Cambridge- Beyond Borders Sin Fronteras
Florence Immigrant & Refugee Rights Project
Florida International Solidarity Collective
Fort Greene ICE Watch
Free Migration Project
Freedom For Immigrants
Freedom Network USA

Friends of Broward Detainees
Fund for Autistic People of Color's Interdependence, Survival, & Empowerment
GAPIMNY—Empowering Queer & Trans Asian Pacific Islanders
General Baker Institute
Georgia Birth Advocacy Coalition
Georgia Detention Watch
Global Crisis Interventions
Grassroots Global Justice Alliance
Guadalupe Presbyterian Church detention ministry
Haitian Bridge Alliance
Haitian Immigrant Bail Assistance Project (HIBAP)
Hartford Deportation Defense
Holy Spirit Missionary Sisters, JPIC-USA
Houston immigration Legal Services Collaborative
Hudson County Progressive Alliance
Human Impact Partners (HIP)
Human Rights Advocates International, Inc.
ICE Fuera de Austin
Illinois Coalition for Immigrant and Refugee Rights
Immigrant Action Alliance (formerly Friends of Miami-Dade Detainees)
Immigrant Defenders Law Center
Immigrant Defense Advocates
Immigrant Freedom Fund of Colorado
Immigrant Justice Network
Immigrant Legal Defense
Immigrant Legal Resource Center
Immigration Services and Legal Advocacy (ISLA)
Indivisible
Inland Coalition for Immigrant Justice
Inland Congregations United for Change (ICUC)
Inland Empire Immigrant Youth Collective
Innovation Law Lab
Interfaith Movement for Human Integrity
Interfaith Sanctuary Coalition-Athens
International Detention Coalition
InterReligious Task Force on Central America
Japanese American Citizens League, Seattle Chapter (JACL)
Jewish Action NorCal
Jewish Activists for Immigration Justice of Western MA
Jewish Council on Urban Affairs
Jewish Reconstructionist Congregation
Jovenes Inc.
Juntos
Just Futures Law
Justice Action Center
Justice For Muslims Collective

Kern County Participatory Defense
Kern Welcoming and Extending Solidarity to Immigrants (KWESI)
Knox College Young Democratic Socialists of America (YDSA)
La ColectiVA
La Raza Centro Legal San Francisco
La Resistencia
Laredo Immigrant Alliance
Latino and Latina Roundtable of the San Gabriel and Pomona Valley
Latinx Therapists Action Network
Lawyers for Good Government, Georgia Chapter
Lawyers' Committee for Civil Rights of the San Francisco Bay Area
Legal Aid Justice Center
Legal Services for Children
Long Beach Immigrant Rights Coalition
Louisiana Advocates for Immigrants in Detention
Mano Amiga
Mariposa Legal, program of COMMON Foundation
Maryland Against ICE Detention
Me Too Survivors' March International
Mi Familia Vota
Mijente
Minnesota Freedom Fund
Mississippi Workers' Center for Human Rights
Moms United Against Violence & Incarceration
MPower Change
Mustino Times
National Employment Law Project
National Immigrant Justice Center
National Immigration Law Center
National Immigration Project of the National Lawyers Guild (NIPNLG)
National Lawyers Guild - SF Bay Area, Immigration Committee
Network in Solidarity with the People of Guatemala (NISGUA)
Never Again Action
New Hampshire Youth Movement
New Hampshire-Vermont Guatemala Accompaniment Project
New Mexico Immigrant Law Center
New Orleans Workers' Center for Racial Justice
New Sanctuary Coalition
New Sanctuary Movement of Philadelphia
New Hampshire Conference United Church of Christ Immigrant and Refugee Support Group
Nicaragua Center for Community Action (NICCA)
NJ-08 For Progress
NM Dream Team
No More Deaths/No Más Muertes
NorCal Resilience Network

NorCal Resist
Northwest Abortion Access Fund
NWI Resist
NYU Immigrant Rights Clinic
Occupy ICE L.A
Ohio Immigrant Alliance
Orange County Rapid Response Network
Organized Communities Against Deportations
Pangea Legal Services
Pax Christi NJ
Pennsylvania Immigration and Citizenship Coalition
Pomona Economic Opportunity Center
Prince George's County Peace and Justice Coalition
Project Blueprint
Project Home
Public Counsel
Puente Human Rights Movement
Queer Detainee Empowerment Project
Quixote Center
RAICES
Refugee Support Network
ReleaseMN8
Rio Grande Valley Equal Voice Network
Rural Organizing Project
Sanctuary DMV
Siembra NC
Sisters of Mercy of the Americas Justice Team
Sisters of the Presentation, Dubuque, IA
Solidarity Lowell
South East Immigrant Rights Network
Southeast Asia Resource Action Center
Southern Illinois Immigrant Rights Project
Southern Poverty Law Center
St. Louis Inter-Faith Committee on Latin America
Stony Brook Asylee Advocate Group
Sueños Sin Fronteras de Tejas
T'ruah: The Rabbinic Call for Human Rights
Takoma Park Mobilization
The Advocates for Human Rights
The Bronx Defenders
The Mami Chelo Foundation
The Orange County Justice Fund
Transcend Arizona
Transformations CDC
Tsuru for Solidarity
Unidad Latina en Acción CT

Unitarian Universalist Service Committee
Unitarian Universalists for Social Justice
United Church of Christ Justice and Witness Ministries
United Stateless
United We Dream
Vermont Freedom Fund
Welcoming Immigrants Housing Project
Western New York Peace Center
Wind of the Spirit Immigrant Resource Center
Women Graduates-USA
WyoSayNo
You Are Not Alone (YANA)