

Congress of the United States
Washington, D.C. 20515

May 4, 2020

Matthew T. Albence
Acting Director
U.S Immigration and Customs Enforcement
500 12th St., SW
Washington, D.C. 20536

Joseph Cuffari
Inspector General
Office of Inspector General/MAIL STOP 0305
Department of Homeland Security
245 Murray Lane SW
Washington, DC 20528

Dear Acting Director Albence and Inspector General Cuffari:

We write to you out of concern for the health and safety of Immigration and Customs Enforcement (ICE) detainees and employees. Due to the unprecedented health crisis posed by the coronavirus (COVID-19) pandemic, it is imperative that you direct the prompt release of non-violent ICE detainees, follow Centers for Disease Control and Prevention (CDC) guidelines, and halt the transfer and deportation of detainees for the duration of the coronavirus pandemic. We are aware that the Office of Inspector General (OIG) has initiated a remote inspection into ICE's ability to manage the pandemic and urge investigators to include these issues in its electronic survey and report.

Based on information obtained through news reports it appears that ICE is culpable in spreading COVID-19.¹ Reporting indicates that ICE transferred a COVID-19 positive migrant into the El Paso Processing Center (EPPC) who then spread the disease to other migrants. If true, this continued level of disregard for human life is appalling. If such actions are happening in El Paso, this is likely happening all over the country. ICE must come up with a plan to protect all detainees in its care and all employees working in detention centers around the nation, this includes testing everyone in its care to assess the extent of the outbreak, halting transfers of migrants until ICE determines that they are negative for COVID-19, and releasing non-violent individuals – a request that has been repeatedly made throughout the pandemic from various Members of Congress. This testing and releases must be expedited in order to curb the further spread of COVID-19, especially within detention centers that have any COVID-19 positive detainees.

Further, a lawsuit filed by six detainees at the El Paso Processing Center shows ICE's failure to follow CDC guidelines and recommendations to fight the spread of COVID-19. According to a press release outlining the filing, officials at the EPPC "cannot make detention safe for the plaintiffs because social distancing is impossible for women detained in EPPC, who are housed together in dormitories, sleeping in bunk beds, and sharing bathrooms, showers, telephones and tablets to contact family. Women detained at EPPC also lack access to masks, gloves, bleach, and other disinfectants, even though aggressive hygiene and sanitation measures are the only known ways to prevent the spread of this deadly disease." This lawsuit exemplifies the urgent need to provide tests to all detained individuals and employees. The close quarters and lack of sanitation measures are a danger to all detainees and employees.

¹ <https://elpasomatters.org/2020/04/24/6-women-including-1-who-tested-positive-for-covid-19-sue-ice-to-be-released-from-el-paso-detention/>

This news comes after reports of deportation flights to Guatemala with deportees who later tested positive for COVID-19. According to the ICE website, ICE does not test all migrants for COVID-19 before deportation. Instead, deportees only get a “a temperature screening at the flight line.”² This is woefully insufficient given the fact that COVID-19 manifests itself differently among infected individuals. Detainees could be asymptomatic and spread COVID-19 to more vulnerable populations. ICE must halt deportation flights to be sure that the U.S. is not spreading the disease and endangering lives around the world as well.

Again, we urge ICE to make the above outlined changes immediately to its protocol and procedures to halt the spread of this deadly disease and urge the OIG to closely examine these matters.

Sincerely,



Veronica Escobar
Member of Congress

Additional signers:

Juan Vargas
Raúl M. Grijalva
Adriano Espaillat
Cedric L. Richmond
Earl Blumenauer
Alcee L. Hastings
Jahana Hayes
Debbie Wasserman Schultz
Grace F. Napolitano
Alma Adams
Filemon Vela
David Trone
Al Green
Donna E. Shalala
Gerald E. Connolly
Rashida Tlaib
James P. McGovern

Cc: Chairwoman Lucille Roybal-Allard, Homeland Security Subcommittee, Appropriations Committee

² <https://www.ice.gov/coronavirus>