

CONGRESSIONAL ADVOCACY TOOLKIT

RELEASE FROM ICE DETENTION DURING COVID-19

OBJECTIVE

Thank you for raising your hand to provide lifesaving pro bono representation to your client on their request for humanitarian parole (or release) from Immigration and Customs Enforcement (ICE) detention during the COVID-19 pandemic. In doing this work, you have seen first-hand the enormous challenges ICE has placed in your client's path as it digs in its heels to prevent reasonable and humane releases even when doing so flies in the face of public health guidance. We are seeing these challenges across the board to such a significant extent that we can no longer be silent. We must tell Congress.

This toolkit provides a step-by-step guide to help you write to Congress to educate them about what is happening and demand oversight over ICE parole decisions and procedures. We hope the suggestions and recommendations found within this short toolkit will help you maximize the impact of your outreach to Congress!

WHY ENGAGE CONGRESS?

Because of your pro bono service, you now have unique insight into the failures and abuses of the current immigration detention system -- and have a voice that our leaders should hear! They won't know what you know unless you tell them. Share your experience with your member of Congress and advocate for change.

BACKGROUND

Studies show that immigrants are much more likely to prevail in their immigration cases – and access a meaningful day in court – if they are represented by legal counsel and if they are not detained during their removal proceedings. The thousands of men, women and children who are currently forced to fight their immigration cases behind bars face myriad challenges. Access to medical and mental health care within ICE facilities is notoriously inadequate. Further, many immigration facilities are situated in remote locations far from loved ones and large metropolitan centers. This can make it more difficult to find an attorney or experts whose testimony you need to support your request for relief in court. The prison-like conditions within ICE facilities can be very isolating for many and may contribute to high levels of depression or trauma.

The COVID-19 pandemic has made the situation in ICE facilities more critical than ever before. It is impossible to socially distant within ICE detention facilities due to the close quarters and access to cleaning supplies and personal protective equipment (PPE) is limited. [Medical experts recommend](#) that immigrants in ICE custody be released into the community to self-quarantine and socially isolate. Failure to take immediate measures will lead to catastrophic results, not just for the immigrants behind bars, but for the surrounding communities and public health at large.

ICE has the authority under Section 212(d)(5) of the Immigration and Nationality Act (INA) to release immigrants within its custody on humanitarian parole. ICE should take immediate steps to exercise this discretion to its fullest in order to prioritize the health and safety of the immigrants in its care, its own staff, and the public.

STEPS:

1. Decide who you are targeting:

- a. Regardless of whether your client's request for parole was denied, granted, or remains pending, we recommend you send letters to both the Congressional offices in the district where you reside, in addition to the Congressional office where your client is/was detained.
- b. To determine your state Representative, use this [helpful link](#).

2. How to send your letters to Congress:

- a. You will be emailing the Congressional offices from your own email accounts. We recommend emailing each Congressional office separately. You can send the letter as an attachment, or in the body of the email. If you send the letter as an attachment, include a short message in the email indicating that you are "writing on behalf of immigrants in the custody of Immigration and Customs Enforcement (ICE) and to raise concerns regarding ICE's policies regarding humanitarian parole as detailed in the attached letter."
- b. You can find the email addresses for the Legislative Directors (LDs) and Immigration Legislative Assistants (LAs) at the below links.
 - i. Email addresses for Congressional offices in districts with ICE facilities:
<https://airtable.com/shr1IZt4GSluX2v8b>
 - ii. Email addresses for Congressional offices in the district where you reside:
<https://airtable.com/shrvwrWxv3wGGE3A4>

3. Draft a short 1-2 paragraph anecdote with personal reasons of why you think Congress should increase oversight of ICE's adjudication of parole, and why it is critical that ICE grant parole requests as quickly as possible.

- a. Tips and reminders:
 - i. Refer to the below templates for guidance.
 - ii. Do not reference any identifying or confidential information in your letters.
 - iii. Your letter should be polite and non-partisan and your asks should be clear.
- b. Identify the asks:
 - i. Ask Congress to increase oversight of ICE's parole authority.
 - ii. Ask Congress to urge ICE to release people from custody on parole in light of the grave health risks associated with COVID-19.

4. Follow up:

- a. The Congressional office may respond and request more information about your client's case. In order for ICE to provide any information to a member of Congress on behalf of someone in ICE custody, the detained person must have signed a privacy waiver. [You can find this waiver here](#). In addition, some Congressional offices require a separate waiver to be signed by a detained person before they can take action. We recognize that coordinating signatures from your detained clients may be difficult given the circumstances. Please let us know if you have questions!
- b. Your advocacy does not have to stop here! Even if the Congressional office does not respond, you can follow-up this letter with an individualized ask to request their help in securing the release of your client and to reinforce the importance of your issues and

reiterate what you expect from them. **Please contact us if you would like to consider escalating your client's case to Congress as we can provide necessary guidance.**

NOTE on Individualized Follow-Up: Why do this? Depending on the individual circumstances of your client's case, raising your client's parole request to Congressional offices can be an additional arrow in your quiver. If your client's parole request has been repeatedly denied by ICE, one strategy you may consider is to bring that parole request (and the urgency of your client's situation) to the attention of a local Congressional office. Some offices will be willing to contact ICE and "inquire" why release was denied in that case. This Congressional inquiry can signal the office's support and can sometimes place sufficient pressure on ICE to cause them to reverse their decision. It also provides a compelling education for that member about ICE's egregious detention practices and can make them an ally for change.

- c. Similarly, if ICE is taking too long to respond to your client's parole request (leaving them languishing in detention for weeks or months), you can consider asking a Congressional office to contact ICE to urge immediate adjudication. **Please contact Katie Shepherd, National Advocacy Counsel for the Justice Campaign, immediately if you would like to consider either option for your client.** Katie can provide critical guidance on which offices may (or may not) be amenable to these requests and under what circumstances, as well as how to discuss this option with your client. Media & social media engagement
 - i. If you are interested in writing a blog or an op-ed in your local paper, filming a short video to distribute on social media, or speaking with reporters, please reach out to the Justice Campaign's Communications Specialist Tessa Wiseman (twiseman@aila.org)
 - ii. [Join our Facebook group](#) and post about your advocacy efforts to inspire others to take action!

TEMPLATES

If your client's request for parole is *pending* with ICE:

Dear [MOC]:

I write to you today as your constituent and because my client is detained in [name of detention facility] in your district OR I write to you today because I am your constituent OR I write to you today because my client is detained in [name of detention facility]. I ask you to urge Immigration and Customs Enforcement (ICE) to exercise its discretion to release immigrants within its custody in light of the high risk of COVID-19 infection created by the carceral settings within ICE detention facilities. ICE has the power to release individuals on parole under the Immigration and Nationality Act (INA) Section 212(d)(5).

[Include 1-2 paragraphs here that talk about your experience representing someone in an ICE facility during a global pandemic. You can talk generally about the concerns you have about your client's safety and welfare, but you should not include identifying information, including details about your client's medical history or the client's name. If relevant, you can state that you submitted significant evidence demonstrating that your client is at grave risk of harm due to underlying health conditions, the length of time your client has been detained, and the length of time that the request for parole has been pending with ICE. You may also include here the number of diagnosed COVID-19 cases in the relevant ICE facility. You can find the latest numbers published by ICE here: <https://www.ice.gov/coronavirus>]

Thousands of immigrants have submitted parole requests to ICE since the pandemic took hold in the United States in March. These immigrants have asked to be released from detention on the basis that they are at grave risk of infection due to the unsanitary conditions in ICE detention, the lack of adequate medical care, and in some cases, due to underlying health problems. People in ICE detention facilities are forced into close quarters where social distancing is impossible. Access to cleaning supplies and personal protective equipment is inadequate.

The number of confirmed COVID-19 cases within Immigration and Customs Enforcement (ICE) facilities continues to rise. Meanwhile, legal and medical communities have repeatedly called on ICE to take immediate steps to stem the further spread of COVID-19 by reducing the population of detained immigrants within ICE custody. ICE has consistently failed to follow these recommendations.

Please increase your oversight of the [ICE Field Office with jurisdiction over your detained client; e.g., Houston ICE Field Office, Newark ICE Field Office, etc.], which has jurisdiction over my client's request for parole and urge the Field Office to release my client –and many others—from detention in light of the critical health concerns associated with COVID-19.

I welcome the opportunity to meet with your office to discuss these concerns and specifically, my client's request for parole, which remains pending with the [ICE Field Office where you sent the parole request].

Sincerely,

[Your full name]

If your client's request for parole was *denied* by ICE:

Dear [MOC]:

I write to you today as your constituent and because my client is detained in [name of detention facility] in your district OR I write to you today because I am your constituent OR I write to you today because my client is detained in [name of detention facility]. I ask you to urge Immigration and Customs Enforcement (ICE) to exercise its discretion to release immigrants within its custody in light of the high risk of COVID-19 infection created by the carceral settings within ICE detention facilities. ICE has the power to release individuals on parole under the Immigration and Nationality Act (INA) Section 212(d)(5).

[Include 1-2 paragraphs here that talk about your experience representing someone in an ICE facility during a global pandemic. You can talk generally about the concerns you have about your client's safety and welfare, but you should not include identifying information, including details about your client's medical history or the client's name. If relevant, you can state that you submitted significant evidence demonstrating that your client is at grave risk of harm due to underlying health conditions, the length of time your client has been detained, and the length of time that the request for parole has been pending with ICE. You should state that even though your client's request for parole was supported by compelling evidence and in spite of widely recognized public health guidance, your client's request for parole was denied. You may also include here the number of diagnosed COVID-19 cases in the relevant ICE facility. You can find the latest numbers published by ICE here: <https://www.ice.gov/coronavirus>]

Thousands of immigrants have submitted parole requests to ICE since the pandemic took hold in the United States in March. Many detained immigrants, like my client, have been denied parole and continue to be in grave danger of contracting COVID-19 due to the unsanitary conditions in ICE detention, the lack of adequate medical care, and in some cases, due to underlying health problems. People in ICE detention facilities are forced into close quarters where social distancing is impossible. Access to cleaning supplies and personal protective equipment is inadequate.

The number of confirmed COVID-19 cases within Immigration and Customs Enforcement (ICE) facilities continues to rise. Meanwhile, legal and medical communities have repeatedly called on ICE to take immediate steps to stem the further spread of COVID-19 by reducing the population of detained immigrants within ICE custody. ICE has consistently failed to follow these recommendations.

Please increase your oversight of the [ICE Field Office with jurisdiction over your detained client; e.g., Houston ICE Field Office, Newark ICE Field Office, etc.], which has jurisdiction over my client's request for parole and urge the Field Office to release my client—and many others—from detention in light of the critical health concerns associated with COVID-19.

I welcome the opportunity to meet with your office to discuss these concerns and specifically, my client's request for parole, which was denied by the [ICE Field Office where you sent the parole request].

Sincerely,

[Your full name]

[If your client's request for parole was granted by ICE:](#)

Dear [MOC]:

I write to you today as your constituent and because my client is detained in [name of detention facility] in your district OR I write to you today because I am your constituent OR I write to you today because my client is detained in [name of detention facility]. I ask you to urge Immigration and Customs Enforcement (ICE) to exercise its discretion to release immigrants within its custody in light of the high risk of COVID-19 infection created by the carceral settings within ICE detention facilities. ICE has the power to release individuals on parole under the Immigration and Nationality Act (INA) Section 212(d)(5).

[Include 1-2 paragraphs here that talk about your experience representing someone in an ICE facility during a global pandemic. You can talk generally about the concerns you had about your client's safety and welfare, but you should not include identifying information, including details about your client's medical history or your client's name. You can mention that because of your experience representing your client in detention, you have firsthand knowledge of the critical need to release immigrants from detention as quickly as possible. You may also include here the number of diagnosed COVID-19 cases in the relevant ICE facility. You can find the latest numbers published by ICE here: <https://www.ice.gov/coronavirus>]

Hundreds or thousands of immigrants have submitted parole requests to ICE since the pandemic took hold in the United States in March. Not everyone who has requested parole has been as lucky as my client. Many remain behind bars, at grave risk of infection due to the unsanitary conditions in ICE detention, the lack of adequate medical care, and in some cases, due to underlying health problems. People in ICE detention facilities are forced into close quarters where social distancing is impossible. Access to cleaning supplies and personal protective equipment is inadequate.

The number of confirmed COVID-19 cases within Immigration and Customs Enforcement (ICE) facilities continues to rise. Meanwhile, legal and medical communities have repeatedly called on ICE to take immediate steps to stem the further spread of COVID-19 by reducing the population of detained immigrants within ICE custody. ICE has consistently failed to follow these recommendations.

Congress must increase oversight of ICE's parole authority and urge ICE to exercise its discretion to grant parole and release immigrants from detention in light of the critical health concerns associated with COVID-19. I welcome the opportunity to meet with your office to discuss these concerns.

Sincerely,

[Your full name]