



March 17, 2020

Mr. Corey Price
ICE Field Office Director
El Paso Field Office
11541 Montana Ave Suite E
El Paso, Texas 79936

Sent via email

RE: Request for Immediate Release of Detained Individuals at Risk of COVID-19

Dear Mr. Price:

In light of the current pandemic, COVID-19, the El Paso Immigration Collaborative (EPIC) has indefinitely suspended its in-person visitation program for volunteers in El Paso area immigration detention centers. This decision was taken after serious deliberation, as EPIC is invested in the wellbeing of people detained by Immigration and Customs Enforcement (ICE) and knows the critical role that attorneys play in ensuring a fair day in court.

ICE must take every precaution to prevent the spread of COVID-19 and reduce the risk of exposure within ICE facilities for the safety of detained persons, facility staff and surrounding communities.

The risks of continued detention are potentially fatal for persons whom the Centers for Disease Control (CDC) and other public health experts have designated "at risk," including individuals who are over 60 years old, those who are immunocompromised, and those who have long-term health conditions.¹ However, the risk is not limited to persons with diagnosed health

¹ The Center for Disease Control (CDC) has defined individuals who are at higher risk of infection by COVID-19 as including older individuals and people with serious chronic health conditions including heart disease, diabetes, and lung disease. See Centers for Disease Control and Prevention, "Coronavirus Disease 2019 (COVID-19): If You Are at Higher Risk," <https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/high-risk-complications.html> (last reviewed). On March 16, 2020, the American Civil Liberties Union, the ACLU of Washington, and the Northwest Immigrant Rights Project (NWIRP) sued U.S. Immigration and Customs Enforcement on behalf of non-citizens detained at the Tacoma Northwest Detention Center in Tacoma, Washington, seeking the release of individuals at risk for serious illness or

conditions; it impacts all detained individuals who face heightened risk of infection due to the poor conditions in these facilities, including lack of access to adequate medical care. Contrary to recent statements by ICE, we know how ill-equipped immigration detention centers are to handle this crisis. ICE has a proven track record of failing to provide adequate medical care and safe conditions for persons in its custody.²

Under the law, ICE has the discretion to choose humane and effective alternatives to detention (ATDs), and we urge ICE to exercise that discretion to the greatest extent possible for individuals who are currently detained in the El Paso Area of Responsibility (AOR).³

We request that the El Paso ICE Field Office immediately share all trainings, protocols, and public health measures being undertaken to prevent a further outbreak of COVID-19 in El Paso area ICE detention facilities. We further request that ICE meet with us on or before March 23 to discuss ICE's policies and plans to stem the further spread of COVID-19.

For the above-stated reasons, EPIC has decided to suspend its in-person legal visitation program for volunteers to do its part to help mitigate further harm caused by COVID-19, and calls upon leadership of ICE and the U.S. Department of Homeland Security (DHS) to immediately consider alternatives to detention for those in its custody. Please contact Melissa Lopez at mlopez@dms-ep.org and Linda Corchado at lindacorchado@las-americas.org with any questions.

Sincerely,

American Immigration Lawyers Association (AILA)

American Immigration Council

Catholic Charities of Southern New Mexico

death in the event of COVID-19 infection. See Compl., *Dawson v. Asher*, No. 2:20-cv-409 (W.D. Wash. March 16, 2020), available at <https://www.aclu.org/legal-document/dawson-v-asher-complaint>

² "Concerns about ICE Detainee Treatment and Care at Four Detention Facilities," U.S. Dep't of Homeland Sec. Office of the Inspector General, June 3, 2019, <https://www.oig.dhs.gov/sites/default/files/assets/2019-06/OIG-19-47-Jun19.pdf>. 5,200 People in ICE Custody Quarantined for Exposure to Mumps or Chicken Pox, CNN (June 14, 2019) www.cnn.com/2019/06/14/politics/mumps-chicken-pox-quarantine-ice/index.html; CDC Recommended that Migrants Receive Flu Vaccine, But CBP Rejected the Idea, Washington Post (Nov. 25, 2019) www.washingtonpost.com/immigration/cdc-recommended-that-migrants-receive-flu-vaccine-but-cbp-rejected-theidea/2019/11/25/8abal98e-Ofb8-llea-b0fc-62cc38411ebb_story.html.

³ Mark Noferi, *A Humane Approach Can Work: The Effectiveness of Alternatives to Detention for Asylum Seekers* (Washington, DC: American Immigration Council, July 2015), <https://www.americanimmigrationcouncil.org/research/humane-approach-can-work-effectiveness-alternatives-detention-asylum-seekers>

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New Mexico Immigrant Law Center

Santa Fe Dreamers Project