

IMMIGRATION JUSTICE CAMPAIGN



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Complaint Details ICE's Failure to Protect Those in its Custody Amid COVID-19 Pandemic

Washington, DC – Today, the American Immigration Council (Council) and the American Immigration Lawyers Association (AILA), through their joint initiative, the Immigration Justice Campaign, [filed an oversight complaint](#) with the Department of Homeland Security Office for Civil Rights and Civil Liberties and the Office of the Inspector General highlighting the experiences of individuals detained by Immigration and Customs Enforcement (ICE) amid the COVID-19 pandemic. The 17 firsthand accounts demonstrate a systematic failure by ICE to take meaningful measures to protect the thousands of individuals currently in its custody, including failure to provide hygiene supplies, personal protective equipment, and access to critical medical care. Some of the cases show that ICE continues to transfer individuals – some of them who tested positive for COVID-19 shortly after the transfer – across the country between ICE detention facilities, increasing the risk of further spread. Currently, half of those tested in ICE custody for COVID-19 are confirmed positive cases.

One individual highlighted in the complaint, Camilo*, is a Cuban asylum seeker whose work experience as a health inspector and degree in hygiene and epidemiology have informed his concerns about the lack of COVID-19 prevention in detention. He reports being detained with 30 other men, including some with asthma and diabetes, in an approximately 8- by 15-meter room, even though he and others in the room have experienced fevers, fatigue, dry coughs, and difficulty breathing. According to Camilo, they have not received medical care. He also states that there are 24 men with fevers in the dorm adjacent to his.

Katie Shepherd, National Advocacy Counsel for the Immigration Justice Campaign, said, “The fight for adequate access to medical and mental health care in detention is not new—we have filed numerous complaints highlighting the deleterious impacts of detention on the wellbeing of those in ICE custody. However, amid the COVID-19 pandemic, the health and safety of those in detention is more urgent than ever. Medical experts have described ICE detention as a

‘tinderbox scenario,’ and from the accounts in this complaint highlighting limited personal space and lack of masks, hand sanitizer, and soap, the reality of this description is all too clear. The continued spread of this deadly virus in ICE facilities will lead to devastating consequences, and will further strain our healthcare system unnecessarily, as those infected while detained will be sent to hospitals already struggling with inadequate bed space.”

Karen Lucas, Director of the Immigration Justice Campaign, added, “The harrowing accounts in this complaint are just a sampling of the stories reverberating throughout the nation. ICE must act swiftly to ameliorate the risk for those in its custody. This should begin with a substantial reduction of the detained population. Under the law, ICE has the discretion to release far more people from these dangerous detained conditions - and to choose humane and effective alternatives to detention instead. These choices are a matter of life and death. We urge ICE to respond to this grave situation immediately.”

The complaint can be found in its entirety [at this link](#).

*Indicates use of pseudonym

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The American Immigration Council works to strengthen America by shaping how America thinks about and acts towards immigrants and immigration and by working toward a more fair and just immigration system that opens its doors to those in need of protection and unleashes the energy and skills that immigrants bring. The Council brings together problem solvers and employs four coordinated approaches to advance change—litigation, research, legislative and administrative advocacy, and communications. Follow the latest Council news and information on ImmigrationImpact.com and Twitter [@immcouncil](https://twitter.com/immcouncil).

The American Immigration Lawyers Association is the national association of immigration lawyers established to promote justice, advocate for fair and reasonable immigration law and policy, advance the quality of immigration and nationality law and practice, and enhance the professional development of its members.