



One Hundred Sixteenth Congress
Committee on Homeland Security
U.S. House of Representatives
Washington, DC 20515

March 19, 2020

Mr. Matthew T. Albence
Acting Director
U.S. Immigration and Customs Enforcement
500 12th Street, SW
Washington, DC 20536-5003

Dear Acting Director Albence:

We write to urge U.S. Immigration and Customs Enforcement (ICE) to take additional action to prevent, prepare for, and manage Coronavirus Disease 2019 (COVID-19) at ICE facilities. As you are aware, individuals living in close proximity to each other, such as those in detention settings—as well as personnel working at such facilities—are particularly susceptible to dangerous viruses like COVID-19. Further, ICE’s practice of regularly transferring detainees between facilities could cause the virus to be spread widely between facilities and across states and regions. Without strategic planning, an outbreak in an ICE facility could overwhelm community and local hospitals in the middle of a pandemic.

For public safety, the Centers for Disease Control and Prevention (CDC) has recommended people put distance between themselves and others to prevent the spread of COVID-19 in the community. Many Americans are engaging in social distancing. President Trump has urged Americans to avoid gathering in groups of more than ten, schools around the country have closed indefinitely, and the Department of Defense has banned all domestic travel to prevent the spread of COVID-19 and maintain force readiness. However, detention operations have yet to change significantly in response to the threat despite known incidents where staff and detainees were exposed to the virus.

Since March 16th, 2020 there have been at least two potential COVID-19 exposures at ICE detention facilities in Aurora, Colorado and Essex County, New Jersey.¹ The Colorado exposure occurred due to an unnamed visitor to the facility and resulted in ten detainees being “cohorted

¹ Kara Mason, *ICE isolates 10 at Aurora immigrant detention center after ‘possible exposure’ to COVID-19*, SENTINEL COLORADO (Mar. 18, 2020) <https://sentinelcolorado.com/news/metro/ice-isolates-10-at-aurora-immigrant-detention-center-after-possible-exposure-to-covid-19/>; Joe Atmonavage, *N.J. immigration group asks ICE to release detainees, after employee is tested for coronavirus*, NJ.COM (Mar. 16, 2020) <https://www.nj.com/coronavirus/2020/03/nj-immigration-group-asks-ice-to-release-detainees-after-employee-is-tested-for-coronavirus.html>

for monitoring out of an abundance of caution.”² In New Jersey, one of the employees at the privately run Elizabeth Contract Detention Facility recently tested positive for COVID-19 and an individual at Pine Prairie ICE Processing Center in Pine Prairie, Louisiana is currently medically isolated due to presenting with symptoms.³ Overall, ICE has issued eleven COVID-19 tests for individuals in their custody and are still awaiting the results.

If a COVID-19 outbreak occurs at an ICE facility, individuals are likely to fall ill within a short timeframe. However, given the limited availability of testing kits and the wait for results, it may be unclear for some time whether a facility’s population is experiencing a COVID-19 outbreak. In any case, detainees who fall ill will need medical care, most likely from already strained local hospitals and health centers. This scenario risks overburdening local health resources, particularly in remote locations, and thus poses a threat to public safety. Strategically mitigating this risk to our healthcare system is in the public interest.

We urge ICE to expeditiously adjust its guidance, protocols, and operations to help address risks to ICE detainees and personnel, public health resources, and the community from the coronavirus pandemic. Specifically, We urge ICE to increase the use of parole or alternatives to detention for detained immigrants determined to pose a low risk to the community. ICE should prioritize paroling detainees most likely to suffer serious complications or death from COVID-19, including the elderly, pregnant women, and those with pre-existing medical conditions. All detainees should be screened for COVID-19 prior to release.

It is imperative that we work together to mitigate and contain COVID-19. We urge you to do your part to protect your frontline workforce, detainees, and our communities. Thank you for your timely attention to this urgent matter.

Sincerely,



Bennie G. Thompson
Chairman



Cedric Richmond
Member of Congress



Donald Payne
Member of Congress

² *Id.*

³ *Id.*