

Instructions for Completing the Pro Se Request for Release Pursuant to *Fraihat* (Sponsors)

These accompanying instructions are designed to help you complete the Pro Se Request for Release pursuant to *Fraihat*; **they are not to be used as legal advice**. It is always recommended that one attempt to seek the assistance of an experienced immigration attorney. However, it is not required to have an attorney in order to make a request for release.

Important notice(s):

1. You **MUST SEND** the request to the ICE Field Office Director (“FOD”) or Assistant Field Office Director (“AFOD”) of the facility where the detained person is currently detained and to their Deportation Officer. Please do not send the completed *Fraihat* Request to any of our law firm’s offices.
2. Your final completed *Fraihat* Request must be submitted in English. If you need assistance filling out the form in English, you may call the *Fraihat* hotline at 866-422-0151.

STEP 1: INTRODUCTION

On April 20, 2020, the Court in *Fraihat v. ICE*, Case No. 5:19-cv-01546-JGB-SHK (C.D. Cal. Apr. 20, 2020), ECF No. 133, issued an order impacting all people in Immigration and Customs Enforcement (ICE) detention with Risk Factors. On October 7, 2020, the court found ICE in violation of the previous order and set additional requirements to protect elderly and medically vulnerable individuals in ICE detention.

People with Risk Factors are people who are over the age of 55, who are pregnant, or have health conditions or disabilities including:

- Chronic health conditions such as:
 - Heart disease (including congestive heart failure, history of myocardial infarction, history of cardiac surgery)
 - High blood pressure (hypertension)
 - Chronic respiratory disease (including asthma, chronic obstructive pulmonary disease including chronic bronchitis or emphysema, other pulmonary diseases, or other conditions that make it difficult to breathe)
 - Diabetes
 - Cancer
 - Liver disease
 - Kidney disease
- Autoimmune diseases (including psoriasis, rheumatoid arthritis, systemic lupus erythematosus, or other conditions that affect the immune system)
- Severe psychiatric illness (including depression, anxiety, PTSD, bipolar, schizophrenia)¹
- History of organ transplantation
- HIV/AIDS

For anyone in ICE detention with Risk Factors, ICE is ordered to:

- Identify and track them within five days of detention
- Conduct custody redetermination within one week, where they review the detained person’s individual Risk Factors to determine whether ICE can justify continuing detention or whether the person must be released because ICE cannot adequately protect them based on their individual vulnerabilities to the virus

ICE is also ordered to update their internal protocols for responding to the pandemic to better protect people who remain in detention from COVID-19 infection and ensure that the requirements of this order be implemented at **every detention facility across the nation**.

¹ Per the court’s 10/7/20 order, this also includes psychiatric illnesses that make it difficult for the individual to participate in their own care, that make it unlikely the individual will express symptoms, or that increase the risk of complications from COVID-19

STEP 2: COMPLETING THE “PRO SE REQUEST FOR CUSTODY REDETERMINATION PURSUANT TO FRAIHAT”

The “Pro Se Request for Custody Redetermination (release) pursuant to *Frailhat*” form can be used to seek the release of detained people pursuant to the *Frailhat* court case, as described above.

On the top of the first page, include the date you are sending out or completing the request in the top field marked as “Date.” In the United States of America, the month comes first. For example, March fifteenth, 2020 would be written as 03/15/2020.

If you know the “Field Office” that is responsible for the detained person’s case, write the name down on the lines indicated. (for example: Atlanta Field Office). If you know specifically who the “*Field Office Director*” and “*Deportation Officer*” are who are responsible for the detained person’s case, write their names down on the lines indicated.

Under the section called “*Detained Person’s Information*,” write down their name (“*Name*”), A number (“*A Number*”), date of birth (“*Date of Birth*”), and the name of the detention center where they are currently detained (“*They are currently detained at:*”). The A number is a number assigned to the detained person by immigration authorities. They should know their A number as it will be on their immigration paperwork and any identifying documents given to them at the detention center, such as a wristband or identification card.

I. “THE DETAINED PERSON IS A SUBCLASS MEMBER OF FRAIHAT V. ICE”

In this section, check off all boxes that apply to the detained person and their medical history. You may also include any additional details you would like to highlight for the deportation officer on the blank lines provided.

II. “SPONSOR INFORMATION”

Even if you are not the sponsor, write down your name (“*My name is:*”) and relationship to the detained person (“*My relationship to the detained person:*”) as indicated. Include your phone number (“*My phone number is:*”).

Who can be the sponsor?

The sponsor is a person who agrees to take responsibility for the detained person throughout the process of their immigration case. This person will attest to ICE, in writing, that: (1) they will give you a home to live once you leave detention (2) they will give you financial support (3) they will ensure that you go to your court hearings.

Does the sponsor have to be a relative?

Not necessarily. The rules do not require sponsors to be relatives of people who apply for parole. However, experience shows us that ICE considers it more favorable if the sponsors are familiar. If there is no family member who is willing to be the sponsor, do not give up. Consider other options, such as friends, faith organizations, support for immigrants, or solidarity with compatriots in your country.

Does the sponsor have to be a citizen or permanent resident of the U.S.?

There is no written rule that requires it. However, experience teaches us that ICE rarely approves parole for someone if their sponsor is not a citizen or permanent resident of the U.S. So do your best to locate a sponsor that is a citizen or resident. Additionally, ICE may use information provided to them for other purposes. Consult with an immigration attorney if you have further questions.

Check off whether you will be the sponsor (“*Me*”) or someone else (“*Someone else*”). Write down the sponsor’s name (“*sponsor name*”). Check off whether the sponsor is a friend (“*Friend*”), family member (“*Family Member*”), or other (“*Other Sponsor*”). Write down the sponsor’s phone number (“*Sponsor Phone Number*”), and address (“*Sponsor Address*”) on the indicated lines.

We recommend that you include copies of the sponsor’s identification and proof of address. Check the box next to “*I have attached a copy of the Sponsor’s identification and/or other proof of address*” if you are including this documentation.

Sign your request on the last line marked with an “x.”

STEP 3: SEND YOUR REQUEST

If you have medical records showing the medical condition(s) applicable, we recommend that you attach them to the form but providing a copy of medical records is not required to request a custody redetermination. Your request and any supporting documentation must be sent in English. Make a copy of the request for your records.

STEP 4: FOLLOWING UP

If possible, we ask that you fill out the "[Fraihat Custody Redetermination Requests Tracker 2.0](#)" Form. This form is used by the *Fraihat* attorneys to track the number of custody requests and it will help us understand whether the order is being implemented by ICE. Please send your original request to the Deportation Officer and Assistant Field Officer.

ADDITIONAL RESOURCES FOR DETAINED PEOPLE

Fraihat Counsel has a free telephone line you can use that is staffed by volunteers from 9 am – 9 pm EST, Monday – Friday. If you need additional information, please (1) dial 910# if you are calling from inside the facility or (2) dial 966-422-0151, if you are calling from outside the facility. This call will be free and confidential.

For more information about Fraihat requests, visit splcenter.org/fraihat-v-ice-community-resources.

For more information about parole requests, visit splcenter.org/seeking-release-ice-detention-toolkit-covid-19-pandemic.

Sponsor Request for Custody Redetermination Pursuant to *Fraihat*

Date: _____

Field Office/Field Office Director: _____

Deportation Officer: _____

RE: SPONSOR REQUEST FOR CUSTODY REDETERMINATION PURSUANT TO *FRAIHAT*

Detained Person's Information

Name: _____

A Number: _____ Date of Birth: _____

They are currently detained at: _____

I. The detained person is a subclass member of *Fraihat v. ICE*

I respectfully submit this request for custody redetermination on behalf of the above-referenced detained person under *Fraihat v. ICE*, Case No. 5:19-cv-01546-JGB-SHK (C.D. Cal. Apr. 20, 2020), ECF No. 133. I believe the detained person is a subclass member because:

- They are 55 or older.
- They are pregnant.
- They have the following condition(s):
 - Heart disease (including history of congestive heart failure, heart attack, heart surgery, heart rhythm problems, chest pain, heart infection)
 - High blood pressure
 - Respiratory disease (including asthma, bronchitis, emphysema, or other conditions that make it difficult to breathe)
 - Diabetes
 - Cancer
 - Liver disease
 - Kidney disease
 - Autoimmune disease (including psoriasis, rheumatoid arthritis, lupus, or other conditions that affect the immune system)
 - Mental illness (including depression, anxiety, PTSD, bipolar, schizophrenia)
- They have previously had an organ transplant.
- They are HIV/AIDS positive.

Although ICE's medical records reflect the detained person's conditions, I have also voluntarily attached medical records evidencing their Risk Factor(s).

Additional Details About the detained person's Risk Factor(s):

II. Sponsor Information

My name is: _____

My relationship to the detained person:

My phone number is: _____

If released, the detained person will stay with:

- Me
- Someone else

Sponsor Name: _____

Relationship to the detained person:

- Friend
- Family Member
- Other Sponsor

Sponsor Phone Number: _____

Sponsor Address:

I have attached a copy of the Sponsor's identification and/or other proof of address.

By submitting this request, I am notifying ICE of their obligation to review the detained person for release under *Fraihat*. ICE must conduct an individualized review and must treat the detained person's Risk Factor(s) as a "significant discretionary factor(s) weighing in favor of release." If ICE denies the person's release, they must provide a written justification.

As the court ordered, I expect your response to the detained individual within the week, by _____ at the latest.

Finally, please be advised that per the Court's order, ICE must turn over this Fraihat request and your notice in response, to Fraihat Class Counsel.

Sincerely,

X _____