



Institute for the Elimination of Poverty & Genocide

March 13, 2020

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Sheriff Scotty Rhoden
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Via Certified Mail

Dear Field Office Directors Tsoukaris, Witte, and Moore, Assistant Field Office Director Diaz, Wardens Donahue, Paulk, Gartland, Staiger, and Cole, Major Henson, and Sheriffs Ramsay, Miller, and Rhoden: p

As nonprofit legal organizations, we the undersigned write in the name of thousands of human beings confined across the Deep South by U.S. Immigration and Customs Enforcement (ICE) and its contractors CoreCivic, GEO Group, and other for-profit prison companies to address your response of the new coronavirus (COVID-19), a disease the World Health Organization has characterized as a global pandemic.¹

We hereby urge you to stem the impending spread of COVID-19 among the thousands in your care and custody by taking immediate steps to:

- immediately make public all protocols ICE and its contractors are implementing to control the spread of COVID-19 inside scores of immigrant detention centers *not* run by the Immigrant Health Services Corps (IHSC), which only operates 20 facilities nationwide; and
- grant release from custody to all detained individuals at high risk of serious effects from COVID-19.

In its statement of March 10, 2020, ICE disclosed elements of its plan to respond to the pandemic. As of that date, ICE said “there are no detainees in ICE custody with confirmed COVID-19.” ICE also said only four of the people in its custody had “met criteria for [COVID-19] testing.” Such limited testing—only four out of more than 50,000 people in ICE custody—likely underestimates significantly the incidence of COVID-19 inside immigrant detention centers. This virus is highly contagious, and those who are detained in close quarters are particularly susceptible to infection and to rapidly spreading the illness.

In China, officials [reported](#) that over 500 COVID-19 cases stemmed from prisons in Hubei Province, which is where the virus originated. Prisons were similarly impacted during the 2009 H1N1 [outbreak](#). However, high rates of community transmission may be avoided if appropriate steps are taken now. A study of the spread of COVID-19 published in the leading medical journal, *The Lancet*, highlighted “the importance of rapid case identification and subsequent isolation and other control measures to reduce the chance of onward chains of transmission.”²

Our legal representation and support of our clients depend on our ability to meet with them in person. Neither their health and safety nor ours should be placed in jeopardy as we seek to continue zealously defending our clients. In addition to our clients and all who are detained within the jails,

¹ World Health Organization, WHO Director-General’s opening remarks at the media briefing on COVID-19 (March 11, 2020), available at: <https://www.who.int/dg/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020>.

² The Lancet, Early dynamics of transmission and control of COVID-19: a mathematical modelling study, March 11, 2020, available at: [https://www.thelancet.com/journals/laninf/article/PIIS1473-3099\(20\)30144-4/fulltext](https://www.thelancet.com/journals/laninf/article/PIIS1473-3099(20)30144-4/fulltext).

our clients' families, friends, and other individuals who regularly visit the facilities are at risk too. During a mumps outbreak at Pine Prairie ICE Processing Center in early 2019, detainees were unable to access counsel and other legal resources. Entire dorms were quarantined for extended periods. Attorneys were unable to meet with detainees in quarantined dorms in person or via video call, entirely preventing confidential communication between attorneys and detainees subject to quarantine. Detainees in quarantined dorms were also prevented from visiting the law library or participating in Legal Orientation Programs. At least one of our clients requested voluntary departure after the quarantine prevented him from communicating with his attorney prior to his master calendar hearing.

In early 2019, the Stewart Detention Center suffered a mumps outbreak. As a quarantine was imposed, visits from attorneys, family and others were severely restricted. Detainees' rights to due process were undermined by significant barriers to access of counsel. During the summer of 2019, there was a mumps outbreak at both the Krome Service Processing Center and the Broward Transitional Center. These outbreaks led to long quarantines which prevented attorney visits for several months and prolonged ongoing removal proceedings.

Each passing day raises the level of our concerns amid reports of the spread of COVID-19 throughout our service areas. The governor of Louisiana has declared a state of emergency in that state. On Wednesday, March 11, [the first case](#) of COVID-19 was confirmed in Charlton County, Georgia, near the Folkston ICE Processing Center. As of today, March 13, 2020, [confirmed cases](#) of COVID-19 had grown to 42 in Georgia, 46 in Florida, and 33 in Louisiana. And the numbers continue to grow.

In concert with our colleagues at the American Immigration Lawyers Association, we ask for the immediate release from detention those who are at high risk of serious illness or even death, including people 60 and older, those with underlying health conditions including heart disease, lung disease, or diabetes, people who have weakened immune systems, and people who are pregnant, are elderly, or have pre-existing conditions.

Additionally, we request that ICE:

- Halt all ICE transfers from facility-to-facility and to out-of-state locations in order to prevent the spread of the coronavirus throughout individual states and the U.S.;
- Immediately test the current population in ICE custody and all people entering ICE custody exhibiting symptoms and/or presenting risk factors, as delayed confirmation of cases will necessarily be too late to prevent transmission within the population;
- Provide for proper hygienic supplies at all ICE detention and check-in facilities, allowing easy access to all detained persons, the population under ICE supervision, and ICE staff; and
- Allow legal workers visiting detained persons to bring gloves and disinfecting wipes into visitation rooms.

This is a public health emergency. It is critical that ICE detention centers and jails be prepared to

respond appropriately to the crisis. It is essential for the health and well-being of our clients, attorneys, and staff, as well as for ensuring due process throughout legal representation, that we are made aware of ICE's pandemic response efforts immediately.

Above all, given the woeful history of addressing pandemics in ICE detention and the lack of clear planning to address COVID-19, we fear for the health and well-being of our clients in detention. We urge ICE to utilize its inherent discretion to release immigrants to their families and communities while they complete their cases.

Sincerely,

Stephanie Cho
Asian Americans Advancing Justice-Atlanta
Executive Director

Laura Rivera, Esq.
Southern Poverty Law Center
Director, Southeast Immigrant Freedom Initiative

Jessica Schneider, Esq.
Americans for Immigrant Justice
Director, Detention Program

Azadeh Shahshahani, Esq.
Project South
Legal and Advocacy Director

Asian Americans Advancing Justice - Atlanta represents immigrants confined inside the Folkston and Irwin detention centers.

The Southern Poverty Law Center (SPLC), through its Southeast Immigrant Freedom Initiative (SIFI), represents immigrants confined inside the Stewart, Irwin, Folkston, Pine Prairie, and LaSalle detention centers.

Americans for Immigrant Justice represents immigrants confined inside the Krome, Glades and Broward Transitional centers.

The Legal & Advocacy department of Project South connects legal and advocacy work and movement lawyers with grassroots organizations with a focus on immigrants' rights and defending Muslim communities against state repression.