

Pro Se COVID-19 Parole Request Form

Date: _____

Sent via: Email Fax Mail

Address(es) this letter and supporting documents was sent to:

To the Deportation Officer of:

Name of Detained Individual

A Number

REQUEST FOR PAROLE FOR URGENT HUMANITARIAN REASONS FOR THE DETAINED INDIVIDUAL NAMED ABOVE

I am writing to urge you to release the detained individual (applicant) above through this letter and the attached supporting documents. According to section 212(d)(5)(A) of the Immigration and Nationality Act (INA), the Department of Homeland Security (DHS) has the power to parole an immigrant for urgent humanitarian reasons or significant public benefit. **This application for parole is merited for urgent humanitarian reasons and significant public benefit.** Additionally, 212(d)(5)(B)(1) of the INA specifically notes that one scenario where humanitarian parole is justified is when the noncitizen “has a serious medical condition in which continued detention would not be appropriate.”

I. THE APPLICANT IS MEDICALLY VULNERABLE

The applicant has the following medical conditions:

It is well documented that medical services in ICE detention facilities fall short of a basic standard of care. In fact, in August of 2019, a class action lawsuit alleged that, “detainees with medical and mental health conditions and those with disabilities face settings so brutal, including delays and denials of medical care, overuse of solitary confinement and lack of disability accommodations, they have led to permanent harm and 24 deaths in the last two years”.¹

1 “Trump Administration Sued Over Poor Medical Care in Immigration Centers,” Politico, August 19, 2019, <https://www.politico.com/story/2019/08/19/trump-administration-sued-medical-care-immigration-centers-1467605>

II. THE APPLICANT FACES ELEVATED RISK TO COVID-19

Detained individuals face an elevated risk of contracting COVID-19. People in detention are highly vulnerable to outbreaks of contagious illnesses.² As Dr. Anne Spaulding put it in a presentation to Correctional facility employees, “a prison or jail is a self-contained environment, both those incarcerated and those who watch over them are at risk for airborne infections. Some make an analogy with a cruise ship. Cautionary tale #1: think of the spread of COVID-19 on the Diamond Princess Cruise Ship, January 2020. Cautionary tale #2: Hundreds of cases diagnosed in Chinese prisons.”³

Older populations, pregnant women and those with preexisting health conditions are even more vulnerable to contracting COVID-19, and therefore have a high likelihood of hospital admission to intensive care. According to Dr. Chaolin Huang, “2019-nCoV caused clusters of fatal pneumonia with clinical presentation greatly resembling SARS-CoV. Patients infected with 2019-nCoV might develop acute respiratory distress syndrome, have a high likelihood of admission to intensive care, and might die.”⁴ The CDC recently reported that, “Older people and people of all ages with severe underlying health conditions — like heart disease, lung disease and diabetes, for example — seem to be at higher risk of developing serious COVID-19 illness.”⁵ According to another source, Jialieng Chen, “[M]ost of those who have died had underlying health conditions such as hypertension, diabetes or cardiovascular disease that compromised their immune systems.”⁶ Given the strain on our hospitals and medical resources, particularly in rural areas where detention centers are often located, release is of the utmost urgency so as not to further overburden these healthcare workers.

Medical experts on incarcerated populations have strongly recommended that corrections facilities consider compassionate releases for individuals who are older or have pre-existing conditions. As corrections medical expert Dr. Anne Spaulding recently recommended:

“Consider alternatives to incarceration, in order to keep stock population down (diversionary courts, community corrections). Consider measures other than detention...Ask who you can release on their own recognizance?”⁷

Knowing that correctional facilities are a very dangerous setting for outbreak and that immunodeficient people present a higher risk of serious illness, the applicant should be considered a priority for release from detention for their personal safety, the safety of other detainees and detention center staff, and to have access to the best possible medical care if exposed to COVID-19.

III. DETENTION IS NOT IN THE PUBLIC INTEREST

It is a public health necessity to minimize new cases, particularly in vulnerable groups such as those who are older or have underlying health conditions. For the safety of all detainees, detention center staff, healthcare workers, and the larger public, release of medically vulnerable individuals is necessary for public health. Further, Detention is funded by our public tax dollars. Even under the best of circumstances it is a costly option when alternatives to detention exist, especially when the detained individual is neither a flight risk nor a danger to the community. It is not in the public interest to manage an outbreak in the detention center and the liability of exposing medically vulnerable people to a contagious outbreak.

² Pandemic Influenza and Jail Facilities and Populations, Laura M. Maruschak, M.A., et al, Am J Public Health, October 2009, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4504367/>.

³ Dr. Anne Spaulding, *Coronavirus and the Correctional Facility: for Correctional Staff Leadership*, Mar. 9, 2020, https://www.ncchc.org/filebin/news/COVID_for_CF_Administrators_3.9.2020.pdf; see also

⁴ Chaolin Huang, et al., *Clinical Features of Patients Infected with 2019 Novel Coronavirus in Wuhan, China*, 395 The Lancet 497 (2020), [https://doi.org/10.1016/S0140-6736\(20\)30183-5](https://doi.org/10.1016/S0140-6736(20)30183-5) (also available at <https://www.sciencedirect.com/science/article/pii/S0140673620301835>).

⁵ Centers for Disease Control and Prevention, *Coronavirus Disease 2019 (COVID-19), People at Higher Risk and Special Populations*, Mar. 7, 2020, <https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/index.html>.

⁶ Jieliang Chen, *Pathogenicity and transmissibility of 2019-nCoV—A Quick Overview and Comparison with Other Emerging Viruses, Microbes and Infection*, Feb. 4, 2020, <https://doi.org/10.1016/j.micinf.2020.01.004>. (also available at: <https://www.sciencedirect.com/science/article/pii/S1286457920300265>).

⁷ Dr. Anne Spaulding, *Coronavirus and the Correctional Facility: for Correctional Staff Leadership*, Mar. 9, 2020, https://www.ncchc.org/filebin/news/COVID_for_CF_Administrators_3.9.2020.pdf.

V. THE APPLICANT IS NOT A FLIGHT RISK

Instead of detention, the Applicant should be paroled into the United States and released into their community. The Applicant is committed to pursuing their immigration case in the United States and appearing for all court appearances and/or check-ins. Their objective is to remain in the United States in a lawful manner. Please see below and attached evidence of the support they have in their community:

I am writing this letter to support the Applicant. My information is as follows:

Name of Person Writing this Request on Behalf of the Applicant

Relationship to Applicant

Phone Number

Address

I am / am not the Applicant's sponsor.

I am committed to supporting the Applicant in the following ways:

If I am not the Applicant's sponsor, then they will live with the following sponsor:

Name of Sponsor (person who the Applicant will live with if released)

Relationship to Applicant

Phone number

Address

VI. CONCLUSION

I respectfully request that the Applicant be granted humanitarian parole and released from ICE custody as soon as possible. Alternatively, should ICE not find release on parole appropriate, please release the Applicant on their own recognizance or pursuant to the Alternatives to Detention (ATD) program. Thank you.

Signature

Date

Name of Person Writing this Request