

Fraihat v. ICE // Sample text for letter

Disclaimer: This Template Does Not Constitute Legal Advice.

Faour Abdallah Fraihat, et al v. U.S. Immigration and Customs Enforcement, et al,
Case No. 5:19-cv-01546-JGB-SHK (C.D. Cal. Apr. 20, 2020), ECF No. 132.

[Date]

[Address Block for Field Office Director]

Include: Name, Title, Address

Sent via email to: [Email Address]

[Address Block for Individual's Deportation Office if known]

Include: Name, Title, Address, Email

Sent via email to: [Email Address]

Re: Request for Custody Redetermination for [Individual Name, A-Number] pursuant to *Fraihat*

I respectfully submit this request for custody redetermination on behalf of [Individual Name, A-Number], born [Date of Birth], detained at [Facility Name]. This custody redetermination request is made pursuant to the *Fraihat v. ICE* nationwide preliminary injunction issued on 4/20/20 ordering ICE to (1) immediately identify and track individuals in its custody with certain defined factors that makes them especially vulnerable to COVID-19 and (2) make timely custody redeterminations for all class members, including for people whose custody has already been reviewed. *Fraihat v. ICE*, Case No. 5:19-cv-01546-JGB-SHK, at 38 (C.D. Cal. Apr. 20, 2020), ECF No. 132.

[Individual Name] is a *Fraihat* sub-class member. *Fraihat v. ICE*, Case No. 5:19-cv-01546-JGB-SHK (C.D. Cal. Apr. 20, 2020), ECF No. 133. He/She/They fall under Subclass [One/Two/Both] because of diagnosis of [list medical conditions or disabilities]. To date, [Individual Name] has not been identified as high risk for COVID-19 [if applicable]. [Describe the medical conditions and add a few details on the medical treatment the individual has received in ICE care.] [For example: Mr. Y has diabetes. While detained, his diabetes has been uncontrolled. He has not received the proper diet and ICE fails to provide him his insulin consistently.] [Individual Name], given their Risk Factors, faces an elevated risk as the COVID-19 pandemic spreads.

The number of immigration detainees testing positive for COVID-19 continues to increase at an alarming rate." *Id.* At 36. COVID-19 is already at [Facility Name]. (Check this website to see if COVID-19 is at the facility, whether it be detained individuals or staff <https://www.ice.gov/coronavirus>).

If applicable

The Court has noted conditions at this facility amid COVID-19, wherein [see examples from facility quotes; i.e. inability to practice social distancing, lack of hygiene]. [Or provide examples from clients' own experience].

[Individual Name] requires a safe environment where he/she/they can be isolated and received intensive medical treatment. When released, [Individual Name] will go to her/his/their [Address] to be with their [List Friend/Family Member/Sponsor] at [City, State].

If other grounds to seek release on parole grounds can include this paragraph—do not include otherwise: [Individual Name] meets all the requirements listed in the Parole Directive 11002.1. [Individual Name] passed their credible fear interview on [date]. Their identity is established with her Country ID (currently in ICE's possession). They are not a flight risk as they will reside with [Sponsor name, relationship, and immigration

status], at **[Sponsor Address]** if released. **[Sponsor Name]** has committed to provide **[Individual Name]** with housing, food, transportation, and financial support upon their release. They can be reached at **[phone number]**. Finally, **[Individual Name]** not a danger to the community as they have not been convicted of any crimes.

If detained individual is subject to mandatory detention include: Pursuant to *Fraihat*, ICE is required to identify and track all ICE detainees with certain Risk Factors and, and, among other protections, make timely custody determinations with respect to each of these individuals, **regardless** of their criminal histories or other factors that may otherwise limit their eligibility for release. *Id.* at 38.

I have included supporting documents which includes:

- Any sponsorship information
- Medical Records highlighting the COVID-19 Risk Factors

ICE must make this timely redetermination on **[Individual Name]**'s custody based on **[his/her/their]** status as a *Fraihat* sub-class member.

If a Humanitarian Parole or Habeas has been submitted already: **[Individual Name]** has previously submitted a **[insert applicable application]** on **[DATE Submitted]** and [has not received a response] **or** [was denied on **DATE**]. In *Fraihat*, the Court found that ICE likely “exhibited callous indifference to the safety and wellbeing” of the sub-class members – which includes **[Individual Name]** – by failing to take sufficient measures within its power to increase distancing and prevent the spread of this disease. *Id.* at 31-32. This includes the power to promptly release individuals. *Id.*

For the foregoing reasons, ICE should release **[Individual Name]**. Only release will ensure the prevention of serious harm or death from COVID-19.

Sincerely,