

FRAIHAT V. ICE COVID-19 RELEASE

IF YOUR FAMILY/COMMUNITY MEMBER HAS ANY OF THE CONDITIONS BELOW THEN ICE MUST REVIEW WHETHER IT CAN CONTINUE DETAINING THEM.

Being over the age of 55;	Kidney disease
Being pregnant;	Auto-immune diseases
Having chronic health conditions, including: cardiovascular disease (congestive heart failure, history of myocardial infarction or, history of cardiac surgery)	Chronic respiratory disease (asthma, chronic obstructive pulmonary disease including chronic bronchitis or emphysema, or other pulmonary diseases);
High blood pressure	Severe psychiatric illness
Liver disease	History of transplantation
Diabetes	HIV/AIDS
Cancer	

If you believe your family/community member has a COVID-19 risk factor that ICE has not identified, you may submit a request for release on their behalf.

1. Before completing the request, make sure you have the following information:

- a. You **must** include **sponsor information**, including name, phone number and address.
 - i. What is a sponsor? The sponsor is someone who will agree to take responsibility for a person during the process of their immigration case if they are released from detention. The sponsor must be willing to: (1) give the person a home to live in; (2) financially support the person; and (3) make sure that they go to any immigration court hearings once they are released.
 - ii. It is better for your family/community member's chances of release if their sponsor is a U.S. Citizen and a relative, but it can also be a friend or someone in their faith organization. (For example, a pastor).
 - iii. If you have letters of support from their sponsor you can attach them to the request.
- b. **Include details about their COVID-19 risk factors:**
 - i. Ask your family/community member if they have any records of their risk factors. This can include medical records from their time in detention or from outside.
 - ii. If you know that your family/community member has received care for a condition in detention, you can explain that in the request.
 - iii. You can also call your family/community member's previous physicians and ask them to send copies of their medical records to you (or have your family/community member in detention do so).
- c. You **can** attach **letters of support** from other family or community members
 - i. If your family/community member qualifies as a Fraihat class member, ICE must review the request regardless of people's criminal history. Letters of support from family members or your community that help discourage ICE from using people's criminal record against them, can be attached to the request.

2. Complete the Request:

- a. Fill in the blanks on the Sponsor Request Letter, using the sample letter with instructions as a guide.
- b. Attach any documents you are including to the request (for example: sponsor form; medical records; letter(s) of support).
- c. If you have questions about how to complete the request, you can call the **Fraihat COVID-19 Hotline** for help at **866-422-0151**, Tuesdays and Thursdays from 10:00AM to 6:00PM EST.

3. Submit the Request:

- a. Send the request to the ICE Assistant Field Office Director or Field Office Director of the facility where your family/community member is detained.

4. After you submit your request:

- a. ICE must respond to your request within 7 days.
- b. When you receive a response, fill out [this survey](#) so that the Fraihat attorneys can gather information to keep track of any wrongdoing to bring it back to the court.

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 _____