



One Hundred Sixteenth Congress
Committee on Homeland Security
U.S. House of Representatives
Washington, DC 20515

June 02, 2020

Mr. Matthew T. Albence
Deputy Director and Senior Official Performing the Duties of the Director
U.S. Immigration and Customs Enforcement
500 12th Street, SW
Washington, DC 20536-5003

Dear Deputy Director Albence:

We write to follow up on our March 19 letter urging U.S. Immigration and Customs Enforcement (ICE) to take additional actions to prevent the spread of the coronavirus, COVID-19, within its detention facilities. ICE's continued deportations, detainee transfers between facilities, and failure to provide detainees with sufficient personal protective equipment (PPE) and hygiene products likely contribute to the spread of COVID-19 across ICE's detention network and around the globe. We once again urge ICE to halt deportations and transfers of detainees as well as maximize the use of alternatives to detention until this pandemic is under control.

Since March, two detainees have died from COVID-19.¹ In one of those cases, reporting suggests that a lack of appropriate and timely medical care may have contributed to the individual's death.² Hundreds more detainees, along with dozens of ICE employees, have tested positive for the virus.³ In addition, some detainees have tested positive for COVID-19 prior to or immediately after being deported from the United States despite ICE testing and screening detainees for COVID-19 along with conducting temperature checks.⁴ These individuals have been deported to countries with fragile health care systems, such as Guatemala, El Salvador, Mexico, and Haiti.⁵

¹ *News Releases, Salvadoran man in ICE custody passes away in San Diego*, IMMIGRATION AND CUSTOMS ENFORCEMENT, May 7, 2020, <https://www.ice.gov/news/releases/salvadoran-man-ice-custody-passes-away-san-diego>; *News Releases, Guatemalan man in ICE custody passes away in Georgia*, IMMIGRATION AND CUSTOMS ENFORCEMENT, May 25, 2020, <https://www.ice.gov/news/releases/guatemalan-man-ice-custody-passes-away-georgia>

² Ryan Devereaux, *ICE detainee who died of COVID-19 suffered horrifying neglect*, THE INTERCEPT, May 24, 2020, <https://theintercept.com/2020/05/24/ice-detention-coronavirus-death/>

³ ICE Guidance on COVID-19: Confirmed Cases, IMMIGRATION AND CUSTOMS ENFORCEMENT, May 13, 2020, <https://www.ice.gov/coronavirus>

⁴ Jonathan Blitzer, *The Trump Administration's Deportation Policy is Spreading Coronavirus*, THE NEW YORKER, May 13, 2020, <https://www.newyorker.com/news/daily-comment/the-trump-administrations-deportation-policy-is-spreading-the-coronavirus>

⁵ Id

ICE's continued transfers of detainees between facilities during this pandemic has also likely contributed to the spread of COVID-19 to detention facilities that had not previously reported cases.⁶ In addition to the danger this poses to detainees and personnel, ICE risks overwhelming smaller health care systems across the United States should a serious outbreak at an ICE detention facility occur. For example, ICE transferred at least 18 detainees who had been exposed to COVID-19 from Pike County Correctional Center in Hawley, Pennsylvania to the Prairieland Detention Center in Alvarado, Texas.⁷ These 18 individuals and others in the Prairieland Detention Center later tested positive for COVID-19.

In another instance, ICE initially transferred 200 individuals from around the country to the Adams County Correctional Center in Natchez, Mississippi and continued to do so even after the facility's first confirmed case of COVID-19 was reported in late March.⁸ Adams County, Mississippi has only 15 intensive care beds for the entire county and could easily be overwhelmed with COVID cases.⁹ According to ICE's COVID-19 Pandemic Response Requirements, in this scenario, positive or exposed individuals would likely be transferred to another facility or hospital, or maybe released.¹⁰ Instead, ICE should prioritize releases to its alternatives to detention program and halt transfers between facilities until the coronavirus outbreak is over.

Moreover, several reports suggest that migrants have insufficient soap and hand sanitizer, raising further concerns about the spread of COVID within facilities.¹¹ Despite guidance written in ICE's COVID-19 Pandemic Response Requirements urging facility operators to provide detainees with unlimited access to soap at no cost, reporting indicates that detainees still had to purchase soap on their own even after COVID-19 began to spread within facilities.¹² In some facilities, detainees also reported not being given face masks or asked to sign waivers in exchange for masks.¹³ ICE has tried to dismiss such complaints as unsubstantiated, but Federal courts have found allegations about the conditions at facilities compelling enough to order the release of detainees.¹⁴

⁶ Hamed Aleaziz, *ICE Moved Dozens Of Detainees Across The Country During The Coronavirus Pandemic. Now Many Have COVID-19*, BUZZFEED NEWS, Apr. 29, 2020, <https://www.buzzfeednews.com/article/hamedaleaziz/ice-immigrant-transfer-jail-coronavirus>

⁷ Id

⁸ Gaby Del Valle and Jack Herrera, *'Like Petri Dishes for the Virus': ICE Detention Center Threaten the Rural South*, POLITICO, May 5, 2020, <https://www.politico.com/news/magazine/2020/05/05/coronavirus-ice-detention-rural-communities-186688>

⁹ Id

¹⁰ *COVID-19 Pandemic Response Requirements*, IMMIGRATION AND CUSTOMS ENFORCEMENT, Apr. 10, 2020, <https://www.ice.gov/doclib/coronavirus/eroCOVID19responseReqsCleanFacilities.pdf> (see page 15 "If the number of confirmed cases exceeds the number of individual isolation spaces available in the facility, then ICE must be promptly notified so that transfer to other facilities, transfers to hospitals, or release can be coordinated.")

¹¹ Noah Lanard, *The Women Asked ICE for Soap. They Got Pepper-Sprayed Instead*. MOTHER JONES, Apr. 22, 2020, <https://www.motherjones.com/coronavirus-updates/2020/04/ice-pepper-spray-lasalle/>

¹² Jack Herrera, *In ICE Detention Forced to Pay for Soap*, THE NATION, Apr. 30, 2020, <https://www.thenation.com/article/politics/coronavirus-ice-detention-soap/>

¹³ Max Rivlin-Nadler, *First Death of Detainee in an ICE detention Center from COVID-19*, NPR, May 7, 2020, <https://www.npr.org/sections/coronavirus-live-updates/2020/05/07/852475822/first-death-of-detainee-in-an-ice-detention-center-from-covid-19>

¹⁴ Monique Madan, *Federal Judge Orders ICE to Release Detainees from South Florida Detention Centers*, South Florida Sun Sentinel, Apr. 30, 2020, <https://www.sun-sentinel.com/coronavirus/fl-ne-ice-to-empty-detention-centers-20200501-7d5ka46nb5fklgm5atpqnq4hmvi-story.html>

While ICE has increased screening and testing of detainees and introduced random spot checks to review conditions inside of facilities¹⁵, these new procedures have yet to significantly affect the rising number of confirmed COVID-19 cases in detention facilities. We are also concerned that ICE has failed to track COVID cases among its contract personnel. Given that more than 80 percent of detainees are held at facilities operated by contractors, this significant information gap hinders ICE's ability to stem the spread of the virus. Accordingly, we request that ICE begin tracking and publicly reporting this information immediately.

Furthermore, given the evolving nature of the COVID-19 pandemic inside of ICE's detention facilities, we request that ICE provide the Committee with ongoing, regular telephonic briefings on ICE's efforts to address the spread of COVID-19 in detention facilities. I/we also request that you provide the following information to the Committee by June 16, 2020:

- The date ICE began testing deportees for COVID-19, a breakdown of the number of deportees tested for COVID-19 since ICE began testing to June 16, and the number of deportees who tested positive for COVID-19 by nationality.
- The number of individuals removed weekly by ICE since March 1, 2020 by country destination.
- A copy of ICE's written policy and any other guidance regarding notifications to be made to destination countries after a potential deportee or deportee tests positive for COVID-19.
- The number of individuals transferred daily between all ICE detention facilities since March 1, 2020.
- A description of the steps ICE is taking to ensure compliance with their COVID-19 Pandemic Response Requirements across their detention facility network, including the free and frequent distribution of hygiene supplies to detainees.
- A list of detention facilities where ICE provides detainees and facility personnel with PPE, such as face masks, and how much PPE ICE has in its stockpile for both detainees and employees.
- A copy of any waivers issued by ICE to detainees and employees to sign prior to the receipt and/or use of PPE provided by ICE.

Thank you for your timely attention to this urgent matter.

Sincerely,



BENNIE G. THOMPSON
Chairman
Committee on Homeland Security



KATHLEEN RICE
Chairwoman
Subcommittee Border Security, Facilitation, and
Operations

¹⁵ Congressional Staff Briefing, May 4, 2020.

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