

## CONDITIONS IN IMMIGRATION DETENTION

### Quarterly Analysis & Update

*March 26, 2021*

Freedom for Immigrants (FFI) hosts an interactive detention map that includes real time mapping of Immigration and Custom Enforcement's (ICE) response to COVID-19. The map is populated with information drawn from news reports, publicly available databases, survey responses, and reporting from our National Detention Hotline<sup>1</sup> and independent member and affiliate organizations in the Freedom for Immigrants (FFI) visitation network.<sup>2</sup> We recognize the effort and risk that goes into documenting this information and appreciate all who contribute, most importantly those who have shared their experience while detained in the U.S. immigration system.

#### Executive Summary

Information included in this update was collected between January 15 – March 24 (one year, to the day, from the publication of our first COVID-19 report). Since the onset of the COVID-19 pandemic, Freedom for Immigrants (FFI) has produced regular updates on COVID-19 in United States immigration detention, focusing on long-term detention facilities operated by Immigration and Customs Enforcement (ICE). At the onset of this project, we endeavored to consolidate information about the proliferation of COVID-19 in immigration detention, impact on detention conditions, and ICE's response to this crisis. We hoped that the reports would serve as a useful tool for advocates and policy makers working toward significant reductions in detention levels as the most effective way to ensure the safety of our communities. Over the past year, our observations have remained consistent—at every stage of the pandemic, ICE failed to implement even basic public health protocols to mitigate against the spread of COVID-19; retaliated against people in detention engaging in peaceful protests or speaking with media; continued actions known to contribute to COVID-19 transmission in detention and the community; blocked efforts to facilitate release of even those most medically vulnerable to COVID-19; and obstructed attempts from local and federal lawmakers to conduct basic oversight activity. As we pass the one-year mark of the COVID-19 pandemic, our conclusion and recommendations remain the same—ICE has proven that it is unable or unwilling to provide for even a basic standard of care for people in its custody.

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<sup>1</sup> The Freedom for Immigrants National Detention Hotline is a dedicated phone line where immigrants in ICE detention, as well as their loved ones or advocates, can reach FFI trained volunteers; in response to COVID-19, our volunteers now conduct a specialized intake designed to assess the readiness and efficacy of COVID-19 response measures in each ICE facility.

<sup>2</sup> Freedom for Immigrants convenes a national network of local visitation programs around the country focused on human rights monitoring, advocacy, and abolition. The network includes approximately 4500 volunteers who support people detained and their families in over 50 immigrant prisons and jails in nearly 30 states.

Moving forward, FFI will continue producing quarterly reports on immigration detention, but we will not maintain an explicit COVID-19 focus for this reporting. Our coverage will seek to provide an overview of long-term immigration detention in the United States, including issues related to COVID-19, as well as broader conditions reporting. We will keep on reporting on abuses in ICE detention until it is abolished.

This quarterly report provides a snapshot of the state of immigration detention within the first months of the administration of President Joe Biden. During this period, ICE reported three tragic in-custody deaths: 57-year-old Felix Montes; 58-year-old Jesse Jermone Dean Jr; and 45-year-old Diego Fernando Gallego-Agudelo. In addition, 55-year-old Martin Vargas Arellano died of complications due to COVID-19 contracted in immigration detention mere days after ICE released him from custody. At the time that ICE released Arellano from custody, he was already hospitalized, had suffered a stroke, and could not walk. Advocates, including FFI, believe that ICE released Arellano from custody while hospitalized to avoid counting his death as “in custody.” All of these deaths could have been prevented by releasing these men into the care of their communities – or never detaining them in the first place.

COVID-19 transmission continued largely unchecked through ICE detention, and some facilities entered into second or third waves of confirmed COVID-19 outbreaks. ICE continued to omit key data points from its public reporting, including how testing is allocated between facilities and the COVID-19 transmission rate among its staff. The agency also continued practices proven to increase risk of COVID-19 transmission, including grouping people together who are suspected of being exposed to the virus, regardless of their COVID-19 test status. People in detention reported continued use of solitary confinement as a means of medical quarantine as well as widespread failure on the part of ICE staff to observe even basic public health protocols. Vaccine distribution continued unevenly in immigration detention, with federal and state authorities shifting the burden of responsibility for providing vaccine access. At the time of this writing, there is no coherent federal plan for vaccine distribution in immigration detention.

During this period, legal services providers and advocates reported widespread discrepancies in how interim enforcement priorities set by the Biden administration are applied between ICE Field Offices, including several reported instances of arrests of individuals who do not appear to fit within the new priorities, causing fear within communities. Transfers from federal, state, and local jails and prisons continued into ICE detention, as well as transfers between ICE facilities, further fueling the transmission of COVID-19. Despite campaign promises to enact a 100-day moratorium on deportations, the Biden administration continued to execute removal flights, including mass expulsion of Haitian families and children as young as two months old.

Overall detention levels continued to decrease. FFI noted a continued increase in judicial releases, as well as instances of large-scale releases from specific facilities, although advocates reported lack of transparency as to when or why certain individuals were prioritized for release. ICE also failed to facilitate safe releases from detention, in some instances releasing people who had tested positive for COVID-19 in detention without



coordinating with local health officials or community groups willing to provide quarantine facilities and interim post-release support. FFI continued to document attempts to obstruct release on bond, including at least one instance that appeared to be due to anti-Black racism on the part of ICE officials.

During this period, the Environmental Protection Agency (EPA) released the results of an investigation into the use of toxic chemical disinfectant at the Adelanto ICE Processing Center in California. The report found that private prison company the GEO Group had violated proper use guidelines for this chemical over a nearly nine-year period. The EPA's findings directly contradict earlier statements by GEO Group leadership in a congressional oversight hearing on the use of chemical disinfectant at their facilities.

Conditions in immigration detention remained dire. FFI reported an increase in medical neglect reports, including reports of improperly prescribed medication resulting in semi-permanent loss of hearing. FFI continued to document instances of internal organizing, including hunger strikes led by people in detention calling for their release. FFI noted an *increase* in reports of anti-Black racism and racially motivated abuse in detention, including severe beatings and sexual assault. People in detention continued to report overall unsanitary conditions and lack of access to adequate supplies of food and clean water, at times causing bacterial infection. People in detention also reported deteriorating conditions in facilities impacted by extreme cold temperatures and winter storms in facilities in the South—a component of a larger trend in which lack of disaster preparedness in the face of climate crisis exacerbates already dire detention conditions.

In the first three months of the Biden administration, conditions in ICE detention remain virtually unchanged. FFI continues to call for the release of everyone in detention as a matter of human rights and public health urgency.

### Deaths in Immigration Detention

**During this period, ICE confirmed the deaths of three people in its custody.** At least one of these deaths is officially confirmed to have been caused by complications from COVID-19. Two of the deaths represent people over the age of 50, including a 58-year-old man who died approximately one month after ICE transferred him into custody upon completion of a long-term sentence in federal prison. A third person died in ICE custody shortly after attempting to claim asylum. **In addition to the three deaths officially reported by ICE, advocates reported the death of a fourth person shortly after he was released from custody.** This person was denied humanitarian parole during the COVID-19 crisis, suffered a stroke while detained, and was only released from custody upon transfer to a local hospital, mere days before he died. **Freedom for Immigrants continues to raise concern that the true death toll in ICE custody is higher than publicly reported, due to deliberate attempts to obstruct information about the fate of people released from custody when they are very ill.**

On January 30, ICE confirmed that Felix Montes, a 57-year-old man of Mexican origin, had died of complications due to COVID-19 at a hospital in southwest Georgia.<sup>1</sup> Prior to

his death, Montes had been detained at the Stewart Detention Center in **Lumpkin, Georgia**. Montes is the fourth confirmed in custody death due to complications from COVID-19 contracted at the Stewart facility. Stewart Detention Center has one of the highest numbers of deaths due to of COVID-19 of any immigration detention facility in the country. <sup>ii</sup>

On February 5, ICE reported that Jesse Jermone Dean Jr. a 58-year-old man of Bahamian origin, died at the Calhoun County Correction Facility in **Battle Creek, Michigan**.<sup>iii</sup> ICE arrested and transferred Dean into custody on December 31 upon his release from federal prison, after completion of a 30-year sentence. In a written statement, ICE attributed Dean's cause of a death to an unspecified "medical emergency."<sup>iv</sup> **Many of the deaths in ICE custody since the onset of the COVID-19 pandemic represent people over the age of fifty who arrived in ICE custody after completing lengthy criminal sentences.** In these instances, immigration detention does not just represent double sentencing of predominantly Black and Brown immigrants but a death sentence.

On March 15, ICE confirmed the in-custody death of Diego Fernando Gallego-Agudelo, a 45-year-old man of Colombian origin at a Texas hospital.<sup>v</sup> As of March 17, the cause of death is unknown and pending autopsy results. Immediately prior to this death, Gallego-Agudelo had been detained at the Port Isabel Detention Center in **Los Fresnos, Texas**. Border Patrol officials had taken Gallego-Agudelo into custody on March 2, when he entered the United States. and said he feared returning to his country of origin. Gallego-Agudelo was then transferred to ICE custody on March 3. Texas has the highest reported number of in-custody deaths in immigration detention, with seven in-custody deaths confirmed from 2018-2020.<sup>vi</sup>

In addition to the in-custody deaths reported by ICE, advocates reported at least one instance in which a person died of medical complications immediately after release from custody.<sup>vii</sup> An attorney with the Esperanza Immigrant Rights Project reported that, on March 3, Martin Vargas Arellano suffered from a stroke while detained at the Adelanto ICE Processing Center in **Adelanto, California**. He was then transferred to a local hospital, where ICE released him from custody on March 5. He died while hospitalized on March 8, due to apparent complications from COVID-19. Arellano's lawyer stated that he had contracted COVID-19 while detained at Adelanto and had a series of pre-existing health conditions, including diabetes, hepatitis C, gout, cellulitis, high blood pressure, and schizophrenia that had required hospitalization prior to the onset of the pandemic, and that they had petitioned for his release multiple times throughout the pandemic. On April 2, 2020, a federal judge ordered Arellano's release from custody, but ICE refused to carry out this order when a post-release housing placement could not be confirmed. (Note: ICE does not facilitate post-release housing, and often releases people from custody without coordinating with post-release service providers. See below section on Releases). Arellano's lawyer then sought release on humanitarian parole. ICE denied these requests, citing public safety concerns, despite the fact that Martin was severely disabled and could barely walk. On March 22, 2021, a federal judge ordered ICE to explain the circumstances surrounding Arellano's death, stating that ICE appeared to be deliberately hiding information about the severity of his condition by releasing him from



custody when very ill.<sup>viii</sup> **Advocates, including Freedom for Immigrants, have long expressed concerns that ICE deliberately releases people from custody when they are very ill, in an effort to avoid needing to publicly report these deaths.**

### COVID-19 in Detention

COVID-19 transmission continues largely unchecked through ICE detention. ICE continues to omit key data points from its public reporting, including transmission rate among its direct hire and contract staff, as well as how testing is allocated between facilities. The agency continues dangerous practices of “cohorting,” in which people suspected of having been exposed to COVID-19 are grouped together for observation, including those who have tested positive for the virus and others who have tested negative or are asymptomatic, despite ample proof that this practice has directly led to increased transmission of COVID-19 in detention and within the community. People in detention continue to report widespread use of solitary confinement as a means of medical quarantine, causing people to not report symptoms to facility officials in an effort to avoid further isolation and abuse. People in detention also report widespread failure to adhere to basic public health protocols on the part of facility officials, including proper use of personal protective equipment (PPE). Vaccine distribution continued during this period, with widespread discrepancies in vaccine distribution reported between states, as well as continued high levels of mistrust from people in detention as to the ability of ICE and private prison health staff to safely and faithfully administer the vaccine.

#### *ICE’s Reporting of Confirmed Cases*

As of March 24, ICE confirmed 10,408 positive cases of COVID-19 across 124 facilities since the beginning of the COVID-19 pandemic. **This represents an increase of 1,588 cases and six new facilities with active outbreaks since FFI’s last update on January 19.**

ICE continued to report on the total number of “confirmed cases currently under isolation or monitoring.” **As of March 24, ICE reports 537 active cases of COVID-19 across 39 facilities.** Between January 19 and March 24, FFI noted particularly severe concentrations of COVID-19 in the follow facilities:

- La Palma Correctional Center in **Eloy, Arizona**: 203 new cases of COVID-19, with a total of 744 reported throughout the pandemic
- South Texas Family Residential Center in **Dilley, Texas**: 146 new cases of COVID-19, with a total of 167 reported throughout the pandemic
- Eloy Correctional Center in **Eloy, Arizona**: 125 new cases of COVID-19, with a total of 405 reported throughout the pandemic
- El Paso Service Processing Center in **El Paso, Texas**: 89 new cases of COVID-19, with a total of 418 reported throughout the pandemic
- Pearsall ICE Detention Facility in **Pearsall, Texas**: 82 new cases of COVID-19, with a total of 371 reported throughout the pandemic

- Karnes County Family Residential Center in **Karnes City, Texas**: 71 new cases of COVID-19, with a total of 166 reported throughout the pandemic
- Buffalo ICE Processing Center in **Batavia, New York**: 64 new cases of COVID-19, with a total of 118 reported throughout the pandemic

FFI also documented the re-emergence of COVID-19 at facilities that had previously reported successful containment of the virus. **In some instances, facilities are now entering second or third waves of COVID-19 outbreaks**, including all of the facilities listed above.

### *Omissions and Errors in ICE's Reporting*

**ICE continues to omit reporting on the number of confirmed COVID-19 cases among its direct hire and contract staff entirely.** ICE also continues to exclude from its reporting numbers of confirmed COVID-19 cases among people held in the custody of other agencies co-located at its facilities.

ICE still does not provide information on how the agency determines to remove a person from its tally of “COVID-19 cases currently in custody, under isolation, or monitoring.” **Advocates, including FFI, continue to raise concerns that ICE and its contractors chose to remove people from its tally of people subject to medical isolation and/or monitoring due to the person's release from custody, deportation, or due to an absence of COVID-19 symptoms instead of negative tests, despite the well-documented risk of proliferation of COVID-19 through asymptomatic carriers.**

FFI documented several instances in which ICE's reporting on number of active confirmed cases at specific facilities decreased dramatically in a short period of time:

- On February 17, ICE reported 64 active cases of COVID-19 at the Stewart Detention Center in **Lumpkin, Georgia**. On February 18, this number decreased to four.
- On February 24, ICE reported 55 active cases of COVID-19 at the La Palma Correctional Center in **Eloy, Arizona**. On February 25, this number decreased to five.

### *Testing*

ICE reported continued expansion in the number of COVID-19 tests administered to people in detention. **As of March 12, ICE reported that it had administered COVID-19 tests for 113,297 people** - representing an increase of 30,712 administered tests since FFI's last update on November 23 and a test positive rate of approximately 9%. In contrast, between March 5- March 11, the Centers for Disease Control (CDC) reported a national test positive rate of 4.2%.<sup>ix</sup>

Since ICE reports cumulative number of tests over time and does not provide information on how many people currently in its custody have received recent COVID-19 tests, or

how tests are allocated by facility, it remains impossible to discern the overall percentage of people currently in ICE custody who have received COVID-19 tests. **FFI continues to express concern that the total percentage of people in ICE detention who have contracted COVID-19 is significantly higher than the rate that ICE publicly reports. FFI continues to raise questions as to how ICE prioritizes and allocates its testing.**

### *Failure to Observe Public Health Protocols*

ICE and its contract staff continued to fail to observe public health protocols to mitigate against the spread of COVID-19. This includes continued use of practices of “cohorting” – in which people suspected of having been exposed to COVID-19 are grouped together; detaining people who have tested positive for COVID-19 or who are awaiting test results alongside people who have not tested for COVID-19 or who have tested negative; overcrowding facilities; failing to properly screen and isolate people arriving into facilities for COVID-19; failure to provide adequate supplies of soap, personal hygiene supplies, and personal protective equipment (PPE) to people in custody; and failure to use PPE on the part of facility staff. Specific examples of failure to observe public health protocols include:

- On January 27, ICE reported that the Bergen County Jail in **Hackensack, New Jersey** was approximately 50 percent over capacity, augmenting the risk of COVID-19 transmission.<sup>x</sup> At the time, ICE reported 13 active cases of COVID-19 among people in ICE custody at the jail.
- On January 28, a person detained at the Adams County Correctional Center in **Natchez, Mississippi** reported that people exhibiting COVID-19 symptoms in the facility are not being treated or tested.<sup>xi</sup> The person reported that the only COVID-19 screening they had witnessed was temperature checks.
- On February 18, a person detained at the Buffalo Service Processing Center in **Batavia, New York** reported that they were transferred to the Buffalo facility upon completion of a criminal sentence at the Worcester County Jail in **Maryland**.<sup>xii</sup> The person reported that, before they arrived at Buffalo, ICE took their fingerprints at a facility in Burlington, Vermont. The person said they were not provided with soap or hand sanitizer after handling the fingerprinting equipment. The person said they were provided with a facemask during the transfer process, but that the mask slipped off and they were unable to fix it because they were handcuffed. The person said they tested positive for COVID-19 upon arrival at Batavia and believed that they contracted the virus during transfer. The person also reported that people detained at the Buffalo facility are exhibiting COVID-19 symptoms but fear reporting to medical staff out of concern that they will be placed in solitary confinement as a means of quarantine. Also on February 18, a second person detained at the Buffalo facility reported that ICE had failed to increase the physical distance between individual bunks after a confirmed outbreak of COVID-19, despite having space to do so.<sup>xiii</sup>
- On February 22, Freedom for Immigrants, Immigrant Action Alliance, Americans for Immigrant Justice, and six partner organizations submitted a complaint to the Department of Homeland Security (DHS) Office for Civil Rights and Civil

Liberties (CRCL) detailing testimony from 25 people currently or formerly detained at the Glades County Detention Center in **Moore Haven, Florida** during the COVID-19 pandemic. The complaint details systemic failure to observe even basic public health protocols to protect people in detention against COVID-19; lack of testing, cohorting of those with symptoms of the virus with others asymptomatic or who had been previously exposed to the virus, persistent lack of adequate supplies of PPE, soap, and hygiene supplies; retaliation for peaceful protests; toxic chemical exposure; and deliberate attempts to obstruct release on humanitarian parole for people with underlying medical abilities. Concerningly, there are zero ICE confirmed cases of COVID-19 currently in the facility, although advocates continue to report widespread testimony from people detained about being symptomatic and denied testing. **Due to these persistent, systemic abuses, Freedom for Immigrants is calling for an immediate termination of the contract between Glades County and ICE, and for everyone currently detained at the facility to be immediately released.**

- On February 24, a person detained at the Otay Mesa Detention Center in **San Diego, California** reported that people who tested positive COVID-19 were being held in the same unit as people who were classified as a higher security risk due to prior criminal convictions, regardless of COVID-19 status of individuals with prior criminal convictions.<sup>xiv</sup> The same person also reported that there was no room in the medical unit for new COVID-19 patients, and as a result, some people were forced to spend more than 30 days in solitary confinement. The same person reported they had not been provided a new mask in five months.
- On March 1, a person detained at the Stewart Detention Center in **Lumpkin, Georgia** reported that they were being held in a space with a pre-COVID 19 capacity of 86.<sup>xv</sup> The person said that 80 people were currently being held in the facility, leaving no room for social distancing. The person said they receive a mask only once every four days, and only when they request a new mask.
- On March 22, 2021, El Refugio, Freedom for Immigrants, and Project South filed submitted a complaint to the Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL) on behalf of 70 individuals detained at Stewart Detention Center in **Lumpkin, Georgia**. The complaint detailed lack of access to COVID-19 testing, as well as egregious medical neglect, lack of releases for individuals with medical vulnerabilities, dangerous cohorting of those well and sick, lack of social distancing, inconsistent use of PPE, inadequate hygiene and disinfection practices, misinformation, and retaliation.<sup>xvi</sup>

### *Vaccine Access*

Distribution of the COVID-19 vaccine to people in immigration detention continued. Similar to vaccine access throughout the country, access to vaccines for people in detention varies hugely based on the state in which they are detained, as well as other factors, including age and underlying medical vulnerabilities. Federal and state authorities continued to attempt to shift responsibility for vaccinating people in ICE custody. On February 19, a DHS spokesperson stated that vaccines for people in detention are allocated by state and local health departments, and each state must



determine when people in immigration detention are vaccinated as a part of its overall vaccine distribution plan.<sup>xvii</sup> On March 1, an ICE spokesperson stated that DHS had reported the number of vaccines it would need to vaccinate people in its custody earlier in the pandemic, but that the agency had not received a direct allocation of vaccines for people in detention.<sup>xviii</sup> The spokesperson said that *states remain responsible for vaccine distribution for people in detention within their borders*, using vaccines allocated to them by the federal government.

In some instances, states pushed back against these assertions from DHS spokespeople and attempted to shift responsibility back to the federal government. When asked if the state of California had a plan to vaccinate people held in ICE custody within its borders, Governor Gavin Newsom stated, “Federal detention facilities are operated uniquely and distinctively from the state. I can only talk to you about our responsibility specifically in our stewardship at CDCR and what the state of California has done.”<sup>xix</sup>

People in detention reported receiving little to no communication from state or federal officials regarding when they would become eligible for vaccine access. For example, although people held in ICE detention in **Illinois** became eligible for the vaccine on January 25 under the state’s vaccine distribution guidelines, as of February 22, people in detention reported receiving no information as to when they would actually receive the vaccine.<sup>xx</sup>

In some instances, people in detention reported discrepancies in vaccine access within the same state. For example, according to a February 22 article, officials in **San Diego, California** rapidly allocated vaccine doses for people detained at the Otay Mesa Detention Center, while people held at the Adelanto ICE Processing Center in **San Bernardino County** did not receive doses.<sup>xxi</sup> On March 15, California state public health officials announced that all those who live or work in congregate settings – including people held in immigration detention – are eligible for the vaccine.<sup>xxii</sup> Advocates continue to call for clear guidance on how local health departments will distribute vaccines to people in detention.

On February 25, a judge in New York ordered ICE to produce a vaccination plan for people in the agency’s custody at the Buffalo Service Processing Center in **Batavia, New York**.<sup>xxiii</sup> When ICE failed to produce a plan, the judge ruled that the agency could provide transportation for people in its custody to local vaccination sites in the state. On March 23, nine people detained at the Batavia facility received an initial vaccine dose.<sup>xxiv</sup>

As of March 22, FFI noted reports of initial vaccine distribution for people in detention held in **California, Mississippi, Georgia, and New York**.

FFI continued to receive reports from people in detention expressing fear of receiving the vaccine from facility health officials, due to systemic medical abuse and related neglect in ICE detention. FFI also noted reports in which staff refused vaccination, even when they had become eligible, raising concerns from people in detention that staff was putting them at increased risk of transmission. According to data by the state of **Massachusetts**,

more than 70 percent of employees at state jails and prisons have declined to receive the vaccine from their employer, although it remains unclear if a portion of these employees later elected to receive the vaccine through a private health care provider.<sup>xxv</sup>

### Arrests, Transfers, and Book-Ins

During this period, the Biden administration released interim enforcement priorities, including provisions allowing for interior enforcement activity on the basis of prior criminal charges or convictions.<sup>xxvi</sup> Legal services providers and advocates reported discrepancies in how these enforcement priorities are interpreted and applied between ICE Field Offices, leading to confusion and fear within the community. Transfers from federal, state, and local jails and prisons into ICE custody and between ICE facilities continued, despite ample evidence that transfers are a leading cause of COVID-19 transmission within detention and the broader community.

### *Interior Enforcement*

During this period, the Biden administration released interim enforcement priorities, including priorities for interior arrests. Legal services providers, advocates, and community members report widespread discrepancies and confusion in how these interim enforcement priorities are applied:

- On January 18, ICE arrested Edward Alonso Castillo, a longtime resident of **Queens, New York**, on his way to work.<sup>xxvii</sup> Castillo does not appear to fall into any of the interim enforcement priorities set forward by the Biden administration and suffers from underlying medical conditions, including a history of strokes and heart disease. On February 23, he was transferred from the Orange County Jail in **Goshen, New York** to a regional hospital due to severe chest pains. Castillo was ultimately released from ICE custody on March 19 – after nearly two months in detention.<sup>xxviii</sup>
- In some instances, people who had been released from ICE detention earlier in the pandemic due to medically vulnerabilities, expressed fear that they could face re-detention if local ICE officials determine that they are subject to new enforcement priorities. Lawyers representing 18 medically vulnerable people who had been released from detention facilities in **Pennsylvania** cautioned that their clients could face re-detention due to prior criminal convictions and cited discrepancies in messaging from political appointees in DHS and ICE career staff operating at the Field Office level.<sup>xxix</sup>

### *Transfers Linked to Outbreaks of COVID-19*

During this period, FFI continued to document transfers to/from facilities with confirmed cases of COVID-19. **From January 20 – March 22, FFI documented 40 total instances of transfers to or from facilities with confirmed cases of COVID-19,** including these examples, in which ICE transferred people to/from facilities with confirmed active cases of COVID-19 to/from facilities with no reported cases:

- On February 11, an individual was transferred from La Palma Correctional Center in **Eloy, Arizona**, to the Richwood Correctional Center in **Monroe, Louisiana**. At the time of the transfer ICE reported 36 active COVID-19 cases at the Eloy facility and zero active COVID-19 cases at Richwood.
- On March 4, an individual was transferred from the Otay Mesa Detention Center in **San Diego, California**, to the Imperial Regional Detention Center in **Calexico, California**. At the time of the transfer, ICE reported zero active COVID-19 cases at Otay Mesa and seven active COVID-19 cases at the Imperial facility.
- On March 10, an individual was transferred from the South Louisiana ICE Processing Center in **Basile, Louisiana**, to the Orange County Jail in **Goshen, New York**. At the time of the transfer, ICE reported five active COVID-19 cases at the Basile facility and zero active COVID-19 cases at Goshen.

### *Circular Transfers*

**During this period, FFI documented 12 instances of “circular transfers” in which an individual is transferred between multiple facilities only to end up back where they started.** Some of these instances include:

- On January 29, an individual was transferred from Stewart Detention Center in **Lumpkin, Georgia** to the Broward Transitional Center in **Pompano Beach, Florida**. A few weeks later, on February 19, the same individual was transferred back from Broward to Stewart.
- On January 30, an individual was transferred from the Denver ICE Contract Facility in **Aurora, Colorado** to the Florence Service Processing Center in **Florence, Arizona**. A little over two weeks later, on February 16, the same individual was transferred back from Florence to Denver.
- On February 20, four individuals were transferred from the Jackson Parish Correctional Center in **Jackson Parish, Louisiana** to the Richwood Correctional Center in **Monroe, Louisiana**. One week later, on February 27, the same four individuals were transferred back from Richwood to Jackson Parish.

### Missing in Detention

FFI continued to document instances in which people went “missing” from ICE’s Online Detainee Locator System (ICE Locator) for prolonged periods. **Advocates, including FFI, continue to raise concerns that people are removed from the ICE Locator system upon testing positive for COVID-19, upon transfer from detention centers to local hospitals due to acute illness from COVID-19, and upon transfer to other facilities in response to internal organizing.** Family members also express great difficulty in locating their loved ones during times in which they are missing from the ICE Locator, leaving the family to wonder whether the missing person is acutely ill or dead.

**During this period, FFI documented 57 examples in which individuals' locations were not identified in the ICE Locator for a period of five days or more, including these three examples:**

- The location of three individuals was listed as “Call Field Office” for a period of 192 days between August 4, 2020 and February 11, 2021. On August 4, the three individuals were listed as detained in the Jackson Parish Correctional Center in **Jackson Parish, Louisiana**. According to the ICE Locator, the three individuals had previously been detained at Catahoula Correctional Center in **Harrisonburg, Louisiana** and the LaSalle Detention Facility in **Jena, Louisiana**.
- The location of another individual was listed as “Call Field Office” between August 4, 2020 and February 11, 2021. On February 11, their location was listed as the LaSalle Detention Facility in **Jena, Louisiana**. According to the ICE Locator, they had previously been detained at Winn Correctional Center.
- On January 30, an individual detained at Hardin County Jail in **Eldora, Iowa**, disappeared completely from the ICE Locator and did not reappear until February 10, when their location was listed as “Call Field Office.”

### Deportations and Expulsions

During this period, ICE continued deportations as well as expulsions of asylum-seeking individuals in families, despite campaign promises from the Biden administration to enact a 100-day moratorium on deportations. According to data collected by advocacy group Witness at the Border, although there was a slight decrease in pace of removal flights in the first week of the Biden administration, by February 6, ICE Air activity had largely resumed to normal activity levels.<sup>xxx</sup> In the months of February and March, Witness at the Border reported 141 total removal flights.<sup>xxxii</sup>

Removal flights have included mass expulsions of Haitian families and children, some as young as two months old.<sup>xxxii</sup> In at least one instance, ICE deported a long-term U.S. resident to Haiti who has no claim to Haitian citizenship.<sup>xxxiii</sup> This deportation took place over the objections of U.S. lawmakers and the Haitian government, effectively rendering the man stateless. These deportations and expulsions fit within a broader pattern of anti-Blackness within the U.S. immigration system. **Freedom for Immigrants joins our partner organizations in calling for an immediate moratorium on all forms of removal and for revocation of Title 42 and protection of the rights of all people to seek asylum.**

During this period, ICE also continued with long-standing patterns of deporting witnesses to crimes:

- On January 29, ICE deported a survivor of the August 2019 **El Paso, Texas** Walmart shooting, which claimed 23 lives, and in which the shooter deliberately targeted Latino residents. The woman arrived in ICE custody after she was stopped by the El Paso Police Department on January 27 and arrested for two traffic citations.<sup>xxxiv</sup> She was then transferred to ICE detention and deported on

January 29. Prior to her deportation, the woman had been in contact with the El Paso District Attorney's office and had agreed to serve as a witness in the ongoing case against the shooter from the August 2019 terrorist attack.

## Releases

During this period, service providers and advocates noted a significant increase in releases in some areas, although community members reported lack of transparency on what specific grounds people in detention were being granted release. FFI also noted a near-universal use of ankle monitor surveillance for people being released from long-term detention. FFI continues to raise serious concerns with lack of transparency in how ICE determines whether a person enrolled in its Intensive Supervision Appearance Program (ISAP) can request to have ankle monitors and other forms of electronic surveillance removed. FFI also noted continued barriers to release on bond, as well as failure of ICE to fulfill its obligations to facilitate safe releases from detention.

### *Increase in Reported Releases*

Overall detention levels continued to decrease. **As of March 19, ICE reports a total of 14,216 people in its custody, representing the lowest detention levels in more than a decade.**

Releases due to judicial orders also increased. **As of March 22, ICE reports that it has released 3,741 people from custody due to judicial release orders.** This represents an increase of 1,146 since FFI's last update on January 19. Legal services and post-release service coordinators continued to report large scale releases in some areas of the country, often without ICE facilitating appropriate post-release travel in accordance with their stated policies. It was not always clear if people were being released in compliance with judicial orders or due to ICE's discretion:

- On March 17, volunteers with Justice For Migrant Families WNY reported that 37 people had been released from the Buffalo Service Processing Center in Batavia, New York, and that it was unclear as to why.
- In March alone, at least 129 people were released from detention in Louisiana, with the burden of coordinating all short-term lodging and transportation to final destinations falling to community members, often with less than a day's notice. Community members report they are under-resourced to provide this support and have a need for institutional humanitarian support.

During this period, ICE also announced its intent to transition long-term family detention to short term facilities. As of March 5, ICE reported that only 13 families remained in long-term family detention facilities, with all families scheduled for release by March 7, pending negative COVID-19 tests.<sup>xxxv</sup> Advocates, including Freedom for Immigrants,

continue to call for transparency on the details of plans for short-term facilities for families.

### *Barriers to Release*

FFI continued to note barriers to release, including release on bond:

- On January 7, FFI successfully paid bond for a man also detained at the Otay Mesa Detention Center in **San Diego, California**. On January 25th, just over two weeks later, ICE called the man into the Ventura area Enforcement and Removal Operations (ERO) office on the pretext that they were removing his ankle monitor. When he presented himself, however, officials stated they would be re-detaining him and canceling his bond. ICE officials then cited “housing issues” at Otay Mesa, and ultimately allowed him to leave the ERO office. Officials told him he could be re-detained at any moment on any day with no prior notice, leaving him and his family in constant, daily fear. In addition, the man’s court date was set at the detained Executive Office for Immigration Review (EOIR) court in Otay Mesa, despite the fact that he is not currently detained.
- On February 12, FFI filed a complaint with DHS CRCL on behalf of a second man detained at the Otay Mesa Detention Center.<sup>xxxvi</sup> The complaint detailed repeated refusals by ICE to release the man from detention, despite having been granted parole with a \$10,000 bond in October 2020. Despite nine attempts by FFI to post bond, ICE refused to facilitate release, citing various pretexts including requests to surrender identification impossible for the man to provide from detention. The complaint raises serious concerns that the circumstances surrounding the man’s arrest and transfer to ICE detention, as well as concerted attempts to keep him detained are racially motivated.
- FFI has also attempted on two separate occasions to post bond for a man detained at the Baker County Detention Center in **Maccleddy, Florida**. The first attempt was made on March 10th at the Los Angeles ERO office. Although the bond had been submitted before 10am PT, the Los Angeles office claimed that they were unable to process the bond in time. The second attempt took place at the San Francisco ERO office on March 18th. The San Francisco ERO office claimed that there was a “glitch” in the system on the side of the Jacksonville ICE ERO office, preventing the bond from being posted, while the ICE office in Jacksonville FL stated that all was clear to post, and had been the previous week as well. Despite efforts to establish communication between the ERO offices to clear up the issue, the San Francisco ERO ultimately refused to accept the bond. It is unclear what the real reason is behind the rejection, but exemplary of some of the contradictory explanations given for refusals to release people on the part of ICE.

### *Failure to Fulfill Safe Release Obligations*

During this period, ICE continued to fail to fulfill its obligations to facilitate safe releases from detention, including provision of functional PPE and up to date information on

exposure to COVID-19 while in detention. A March 14 *Washington Post* article cited multiple instances in which ICE released people who had contracted COVID-19 while in detention without coordinating with local health authorities or post-release service providers, including groups who are available and willing to ensure a safe place for people transitioning from detention to quarantine before moving onto their long-term destination with family or community.<sup>xxxvii</sup> Community volunteers in **Phoenix, Arizona** reported that while ICE has sometimes used separate vans to transfer individuals released from detention facilities in Eloy and Florence depending on their COVID-19 test statuses, all of the individuals end up being dropped off at the same place, creating an additional burden on community service providers.

Community members reported that, on March 18, in **Louisiana**, an indigenous, neurodivergent woman from Guatemala was released by ICE to the custody of a local volunteer, without previously coordinating a release plan, leaving local volunteers to support her without have had the chance to arrange proper care. ICE is mandated to coordinate release plans for beneficiaries of the National Qualified Representative Program, which expands access to legal counsel for people ICE detains and whom an immigration judge or the Board of Immigration Appeals have determined to be mentally incompetent to represent themselves in immigration removal proceedings.

### Toxic Chemicals

FFI's May<sup>xxxviii</sup> and June<sup>xxxix</sup> COVID-19 reporting included detailed information on exposure of people in detention to toxic chemicals due to use of industrial grade chemical disinfectants not intended for indoor use without adequate ventilation and PPE. This included widespread reports of rashes, fainting, burning eyes, headaches, and severe coughing due to exposure to a chemical disinfectant called HDQ Neutral at the Adelanto Processing Center in **Adelanto, California**. FFI also received reports of toxic chemical exposure due to inappropriate use of industrial grade disinfectants at facilities in **Texas** and **Florida**.

Partially in response to calls from advocates, the Environmental Protection Agency (EPA) conducted an investigation into use of HDQ Neutral at the Adelanto facility. On March 22, the EPA released its final report<sup>xi</sup> and issued private prison company the GEO Group an official Notice of Warning for multiple violations in response to their misuse of HDQ Neutral at the Adelanto facility. The investigation found that the GEO Group ordered its staff and those in custody to administer HDQ Neutral without proper ventilation, multiple times a day over a nearly nine-year period, in violation of six different provisions of the pesticide label for HDQ Neutral. The EPA ordered the GEO Group to immediately discontinue use of HDQ Neutral at all of its facilities.<sup>xii</sup> In response to EPA investigator's initial questions about why GEO staff had not diluted HDQ Neutral when deploying the chemical inside the Adelanto facility, GEO representatives said the label instructions allowed for a more concentrated mixture to be used in "animal premise disinfectant or animal virucidal uses."

The EPA's findings directly contradict testimony from GEO Group CEO George Zoley to members of the House Judiciary Committee during a July 13 oversight hearing on ICE contractors' response to COVID-19.<sup>xliii</sup> During the hearing, Zoley said that Geo had never improperly used HDQ Neutral in its facilities.

### Conditions in ICE Detention

Conditions in ICE detention remain dire. During this period, FFI documented widespread reports of medical neglect, including severe medical complications caused by inaccurately prescribed or administered medication. FFI also noted serious reports of retaliation, including physical beatings and sexual assault directed toward Black immigrant, as well as racially motivated slurs and hate speech. FFI also noted the impact of the climate crisis on detention, including flooding and prolonged loss of heat in facilities impacted by extreme temperatures throughout the South.

#### *Medical Neglect*

**During this period, FFI documented 148 reports of medical neglect, including medical neglect caused by wrongly prescribed medication and deferral of essential surgeries and procedures.** In some instances, this neglect caused serious and non-reversible complications, including partial hearing loss. FFI also noted continued lack of access to translation services inside detention, including for communications with medical staff regarding serious conditions.

- On February 2, a person detained at the Etowah County Jail in **Gadsden, Alabama** reported that a skin disease is rapidly spreading in the facility.<sup>xliiii</sup> The person said facility medical staff were unable to offer a diagnosis and were offering medication and treatment seemingly at random and that it took more than two weeks to see any medical staff. The person said they believed the diseases to be scabies.
- On January 26, a person detained at the Otay mesa Detention Center in **San Diego, California** reported that they were suffering from vision loss as a result of denial of treatment for Type 2 Diabetes.<sup>xliiv</sup>
- On February 2, a person detained at the Adams County Correctional Center in **Natchez, Mississippi** reported that, in September 2019, they were wrongly prescribed eye drops for an ear infection.<sup>xliv</sup> The person reported that they were not aware of this error until their ear began to pus and bleed. The person reported that, when they saw a doctor in December 2019, they were informed that they would need surgery to regain their full hearing. The person reported that, as of February 2021, they were still awaiting surgery.
- On February 12, a person detained at the Otay Mesa Detention Center in **San Diego, California** reported that they were not receiving or were being wrongly prescribed medication for several underlying medical conditions, including rheumatoid arthritis, diabetes, heart disease, and high cholesterol.<sup>xlvi</sup> The person reported experiencing severe symptoms, including vertigo, fatigue and exhaustion, severe nausea, and inability to walk. The person said that, when they



saw an external doctor in December 2020, that doctor had prescribed a medication which the detention center medical staff refused to fill, citing cost.

- On March 1, a person detained at the Krome Service Processing Center in **Miami, Florida** reported that they had developed a liver infection due to being prescribed wrong medication.<sup>xlvii</sup> The person reported that they had been hospitalized twice during a ten-month period, while detained at Krome.

Advocates and people in detention also reported lack of available interpretation services as a key factor inhibiting their access to medical services, at times with deadly consequences:

- A volunteer with Iowans for Immigrant Freedom and the **Des Moines** chapter of Showing Up for Racial Justice in contact with people detained at ICE facilities in Iowa reported that people in detention often are not aware that COVID-19 testing is being conducted at facilities where they are held due to lack of translation services.<sup>xlviii</sup>
- A January *Mother Jones* article chronicled the journey of an asylum seeking individual of Brazilian origin, who spent more than six months detained at the Imperial Regional Detention Center in **Calexico, California**.<sup>xlix</sup> During this time, he lacked access to basic translation services, compounded by low literacy. The man reported being asked to sign documents he did not understand and that he suffered from deteriorating health, including panic attacks and shortness of breath, depression, and chronic high blood pressure worsened due to lack of access to necessary medication. The man reported that he requested medical attention at least ten times without access to a Portuguese interpreter. According to a recent review by the state of California's Department of Justice, the Imperial facility and two other privately run immigration detention facilities were "unsuccessful in meeting detainees' language access needs."<sup>1</sup> The report further noted that no one at these facilities kept track of detainees' primary languages or of those spoken by bilingual staff.

### *Internal Organizing*

FFI continued to document widespread instances of internal organizing led by people in immigration detention, including peaceful protests and hunger strikes to call attention to prolonged detention and abhorrent conditions. Examples include:

- On January 28, a person detained at the Etowah County Jail in **Gadsden, Alabama** reported that a group of detained individuals of Eritrean origin had been held at the facility for more than two years and were engaged in a hunger strike to protest their prolonged detention.<sup>li</sup>
- On March 10, a person detained at the Stewart County Detention Center in **Lumpkin, Georgia** reported that they had spoken with the warden regarding an increase in commissary prices on behalf of themselves and others.<sup>lii</sup> The person reported that facility staff did not advertise the increase in prices beforehand and that the facility was already providing inadequate food, forcing people to

supplement facility-provided meals with expensive food from the commissary. The person said that, after the conversation with the warden, a separate facility official threatened to move him to a different unit in retaliation. This official eventually dropped the threat but warned the person to stop speaking out about detention conditions.

- On March 10, a person detained at the Bergen County Jail in **Hackensack, New Jersey** reported that they were planning to engage in a hunger strike with as many as 50 other people detained at the facility.<sup>liii</sup> The person said they were engaging in the strike to demand their freedom and to protest deteriorating conditions, including low quality and inadequate food as well as a rodent infestation.

### *Retaliation and Abuse, Including Anti-Black Racism and Racially Motivated Abuse*

FFI continued to document instances of retaliation and abuse, including abuse for peaceful protests. FFI also noted racially motivated abuse directed against Black and Brown immigrants, including sexual assault, severe beatings, and use of racial slurs. We are concerned that several of the incidents of abuse detailed below fit within a long pattern of disparate treatment of Black immigrants within ICE custody. Examples include:

- On January 21, a person of Jamaican origin detained at the Worcester County Jail in **Snow Hill, Maryland** reported that they had experienced physical abuse at the facility over an approximately ten-month period.<sup>liv</sup> The person reported that they are escorted by the same officer during once or twice weekly meetings with their deportation officer. The person reported that the escorting officer routinely pushes and drags them by the arm, often leaving bruises. The person reported that they suffer from partial paralysis and the officer pulls on their paralyzed arm, causing stress and anxiety. The person reported that they feared this treatment would exacerbate underlying medical vulnerabilities, including hypertension. The person reported that supervisors in the facility are aware of this treatment but do nothing.
- On January 25, a person of Haitian origin detained at the Krome Service Processing Center in **Miami, Florida** reported that they had suffered from a mental health crisis upon arrival at the facility.<sup>lv</sup> The person reported that they were transferred to the mental health unit and told to take off their clothes and put on a green smock. The person said that when they refused to put on the smock, officers punched them in the head and body, kned him, forced them to the ground, and choked him before leaving him naked in his cell. The person reported that their clothes, including his boxers, were violently ripped off of them as several other officers, including a supervisor, watched this abuse taking place and did nothing. On February 8, 2021, Freedom for Immigrants and Immigrant Action Alliance filed a complaint with DHS CRCL detailing the use of force and sexual assault.<sup>lvi</sup> On February 23, 2021, the person in detention reported being retaliated against, denied mail and phone access and put in a psychiatric ward, after the CRCL complaint generated press attention.<sup>lvii</sup>

- On February 2, 2021, a person detained at the Otay Mesa Detention Center in **San Diego, California** reported that they were placed in solitary confinement as punishment for not stepping out of his jail cell in their boxers.<sup>lviii</sup> The person said they believed officers had made this request in an attempt to humiliate them.
- According to a February 6 article by *The Intercept*, asylum seekers of Cameroonian origin detained at the Pine Prairie ICE Processing Center in **Pine Prairie, Louisiana** reported that ICE officials threatened to expose them to COVID-19 if they failed to comply with orders.<sup>lix</sup> The detained men stated that the guard specifically threatened to transfer them into a unit reserved for COVID-19 individuals. According to the same article, a group of asylum seekers of Cuban origin held at the Etowah County Detention Center in **Gadsden, Alabama** also reported being threatened with exposure to COVID-19 if they did not sign deportation orders.
- On March 3, FFI and Immigrant Action Alliance submitted a complaint to the DHS CRCL detailing excessive use of force, pepper spraying, and retaliatory solitary confinement toward two individuals detained at the Glades County Detention Center in **Moore Haven, Florida**.<sup>lx</sup> The two individuals named in the complaint are of Jamaican origin and had been placed in solitary confinement for a period of more than 21 days. Both individuals had participated in an earlier multi-individual CRCL complaint detailing systemic failure to implement basic public health protocols at the Glades facility – as well as deliberate attempts to obstruct release on humanitarian parole.
- On March 3, 2021, a person of Haitian origin detained at Carolina Detention Facility, in **Bowling Green, Virginia**, reported that a facility official grabbed them and slammed them into the door and threatened that if they moved or said anything, the official would kill him.<sup>lxi</sup> The person reported that the official later apologized and said he acted this way because the person in detention is Black. The person reported that the official has since been promoted.
- On March 4, a person of Jamaican origin detained at the Stewart Detention Center in **Lumpkin, Georgia** reported that facility officials had assaulted them twice while detained, including sexual assault, and had needed hospitalization as a result.<sup>lxii</sup>
- On March 9, 2021, a person of Haitian origin detained at Lasalle Detention Facility in Jena, Louisiana reported that while he was detained at Etowah County Jail in **Gadsden, Alabama**, a correctional officer aggressively pushed him to the ground. Since the abuse, the person in detention is now suffering from stomach, waist, and bladder pain, and painful urinary incontinence. The person in detention cannot stand up for very long or lift heavy objects.
- On March 10, a person of Haitian origin detained at the Bergen County Jail in **Hackensack, New Jersey** reported that they had suffered two separate assaults by officials while held in immigration detention.<sup>lxiii</sup> The person reported that, in August, while detained at the Essex County Jail in Essex, New Jersey, an officer brought him to the shower and told them to strip or that the officer “would do it for them.” The person reported that, in a second incident, also at Essex, they were pushed to the floor by a guard and hit their head, causing chronic neck pain.

- On March 10, a person detained at the Hardin County Jail in **Eldora, Indiana** reported that staff in the detention facility regularly make anti-Asian racist statements.<sup>lxiv</sup>

### *Unsanitary Conditions and Lack of Access to Water and Food*

FFI continued to document widespread reports of filthy conditions throughout immigration detention, as well as lack of access to adequate and clean food and water. Examples of these reports include:

- On January 28, a person detained at the Adams County Correctional Center in **Natchez, Mississippi** reported that food quality at the facility remains so bad that people regularly go to bed hungry rather than eating facility provided meals.<sup>lxv</sup>
- On January 28, 2021, a person detained at the Otay Mesa Detention Center in **San Diego, California** said that they are often forced to pay between \$50-80 a week to purchase food from the commissary because the facility does not provide adequate food to observe a vegetarian diet. The same person that, even in this event, his only option is heavily processed instant noodles, which are not nutritious.
- On March 11, 2021, advocates with the Shut Down Adelanto Coalition reported at least three infections of *Helicobacter pylori* at the Adelanto ICE Processing Center in **Adelanto, California**.<sup>lxvi</sup> *H. pylori* is a bacterial stomach infection caused by contaminated food and water, which can be exacerbated by living in crowded conditions or more easily spread in close quarters. Since the onset of the COVID-19 crisis, people held at Adelanto have been subjected to regular lockdowns, at times lasting for periods of 23 hours a day or more. One person detained at the facility reported that facility staff provided detained people with dirty water via reusable jugs on multiple occasions, including water with flies floating inside.

FFI also documented several reports of freezing temperatures in immigration detention facilities during the late winter months, including:

- On January 28, a person detained at the Stewart Detention Center in **Lumpkin, Georgia** reported that the air conditioning is left on constantly during winter months, causing extreme cold and discomfort.<sup>lxvii</sup>
- On February 10, a person detained at the Otay Mesa Detention center in **San Diego, California** reported that facility temperatures were regularly kept at such low temperatures that a pre-existing pain in his back worsened.<sup>lxviii</sup>
- On February 16, a person detained at the Buffalo Service Processing Center in **Batavia, New York** reported that they were only provided thin summer blankets during winter months, making it difficult to sleep.<sup>lxix</sup>
- On March 16, 2021, a person detained in Caroline Detention Facility in **Bowling Green, Virginia** reported that it's freezing cold in the rooms but people in detention are not allowed to go under the blankets or the guards charged them or punish them. In one instance, an official told the person that they could not be

under the blanket even though it was cold. The official forced them to get up and strip their bed.<sup>lxx</sup>

### *Impact of Climate Crisis on Conditions in Immigration Detention*

FFI continued to document the impact of the climate crisis and lack of disaster preparedness plans on already dire conditions in immigration detention, including the effect of prolonged, freezing temperatures throughout the South. FFI has noted similar fall out from other climate crisis-related events in earlier months, including poor air quality in areas impacted by wildfires and flooding and prolonged power outages in facilities in areas impacted by hurricanes:

- A January 25 press article detailed conditions in immigration detention facilities in **Texas** following unprecedented winter storms and prolonged freezing temperatures, including in family detention facilities.<sup>lxxi</sup> The article detailed accounts from legal services providers and people in detention of prolonged lack of access to heating, non-functional and filthy bathrooms, and inadequate supplies of food, as well as frozen or mostly frozen meals and restrictions on access to water of one bottle per day for all cleaning needs.
- On February 22, a person detained at the River Correctional Center in **Ferriday, Louisiana** reported widespread flooding in dorms, caused by burst pipes.<sup>lxxii</sup> The person reported that bathrooms are not functional, with overflowing toilets and no access to showers.
- On February 23, a person detained at the Adams County Correctional Center in **Natchez, Mississippi** reported that power had been out for over four days, following a winter storm, causing them to be unable to place new commissary requests or contact their family.<sup>lxxiii</sup> The person reported that the facility also ran air conditioning despite overall freezing temperatures and that the storm had caused widespread water leaks in the facility.

### *Prolonged Detention*

FFI continued to document widespread instances of prolonged detention, including prolonged detention of people with final orders of removal whose country of origin refuses to accept or is only accepting limited amounts of removal flights. FFI notes widespread confusion among people in detention, community members, and advocates on how to best raise individual cases of prolonged detention for a thorough custody review:

- On January 22, a group of eight asylum seeking individuals of Cuban origin filed a group habeas petition in the U.S. District Court of the Middle District of Georgia calling for their release from the Stewart County Detention Center in **Lumpkin, Georgia**.<sup>lxxiv</sup> All of the men have been detained at the Stewart facility for more than 180 days after receiving final orders of removal, and with no for-

seeable means of returning to Cuba. Also at Stewart, on February 17, a person detained reported that they had been in detention for almost three years.<sup>lxxv</sup>

- On March 2, a group of over forty individuals from thirteen different countries detained at Richwood Detention Center in **Monroe, Louisiana** wrote a letter to FFI naming their continued detainment 180 days past final order of removal and lack of response to release requests, including for those with no ability to return to their country of origin. The letter also alleged lack of medical care, insufficient protection against COVID-19, lack of medical release for those with pre-existing conditions making them vulnerable to COVID-19, and lack of release on parole despite the presence of U.S.-based family.

## Conclusion

At the onset of the Biden administration, conditions in ICE detention remain the same or worse than the final days of the Trump administration. COVID-19 continues to spread unchecked through detention facilities, at great cost to people inside detention and our broader communities. Freedom for Immigrants calls on Congress to significantly cut funding for ICE's detention and enforcement budget and for the Biden administration to take immediate steps to phase out all contracts between the federal government, private entities, and states and localities for the purposes of immigration detention. Freedom for Immigrants also urges increased investment in opt-in community support services for people transitioning from detention, including support with interim housing, legal services, and holistic medical care.

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- <sup>xiii</sup> Call to Freedom for Immigrants National Detention Hotline. February 18, 2021
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