

April 16, 2020

The Honorable Nancy Pelosi  
Speaker of the House  
U.S. House of Representatives  
Washington, D.C. 20515

The Honorable Charles Schumer  
Majority Leader  
322 Hart Senate Office Building  
Washington, D.C. 20510

The Honorable Kevin McCarthy  
Republican Leader  
U.S. House of Representatives  
Washington, D.C. 20515

The Honorable Mitch McConnell  
Republican Leader  
317 Russell Senate Office Building  
Washington, D.C. 20510

Dear Speaker Pelosi, Majority Leader Schumer, Leader McCarthy, and Leader McConnell:

We write to express our support for the Federal Immigrant Release for Safety and Security Together Act (FIRST Act). This Act provides urgent and critical restrictions on immigration detention and enforcement during this unprecedented national public health emergency. Even as public health experts urgently call for the Department of Homeland Security to curtail enforcement and engage in massive releases of those facing civil detention, the agency continues its immigration enforcement and detention activities. These actions risk the lives of tens of thousands of immigrants who remain in custody and present significant broader public health risks as ICE and facility staff come and go from the facilities. The protections and procedures mandated in this Act reduce unnecessary detention levels and civil immigration enforcement activity to protect the health of not only those held in custody, but all of our communities.

Even before the onset of the COVID-19 pandemic, ICE has proven to be incapable of providing for the basic needs of people in custody. Numerous reports document ICE's record of failing to provide adequate soap and other hygiene products, at times even failing to provide hot water.<sup>1</sup> And there is a well documented history of medical abuse and neglect in immigration detention centers.<sup>2</sup> Further, ICE has a history of mismanaging outbreaks of infectious diseases in the past.<sup>3</sup>

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<sup>1</sup> U.S. Department of Homeland Security Office of the Inspector General, "Concerns about ICE Detainee Treatment and Care at Four Detention Facilities," Jun. 3, 2019, <https://www.oig.dhs.gov/sites/default/files/assets/2019-06/OIG-19-47-Jun19.pdf>.

<sup>2</sup> Human Rights Watch, "Code Red: The Fatal Consequences of Dangerously Substandard Medical Care in Immigration Detention," Jun. 20, 2018, <https://www.hrw.org/report/2018/06/20/code-red/fatal-consequences-dangerouslysubstandard-medical-care-immigration>; American Civil Liberties Union, Detention Watch Network, and National Immigrant Justice Center, "Fatal Neglect: How ICE Ignores Deaths in Detention," Feb. 2016, <https://www.detentionwatchnetwork.org/sites/default/files/reports/Fatal%20Neglect%20ACLU-DWN-NIJC.pdf>.

<sup>3</sup> See Morbidity and Mortality Weekly Report: Notes from the Field (Vol. 68, No. 34), Jessica Leung, Diana Elson, Kelsey Sanders, et al, Centers for Disease Control and Prevention, "Mumps in Detention Facilities that House

Since the onset of the COVID-19 pandemic, ICE has continued this pattern of failing to provide for the basic needs of the people in its custody, and in some cases, has exacerbated the threat of COVID-19 through mismanagement, retaliation, and abuse.<sup>4</sup> For example, on March 23, guards at the South Texas ICE Processing Center in Pearsall, Texas pepper-sprayed approximately 60 people detained in the facility when they refused to return to their beds and called for ICE to release them due to concerns over contracting COVID 19.<sup>5</sup> ICE then moved nine people who participated in the protest to restricted housing and said they would be punished with “disciplinary charges due to security violations.”<sup>6</sup> This Act responds to these appalling abuses with appropriate restrictions on detention and enforcement activity.

First, the Act requires (with some exceptions) the release of all individuals in immigration custody who are at heightened risk of vulnerability to COVID-19 because of age or pre-existing medical conditions. Public health experts have spoken resoundingly to the risks that crowded detention facilities and jails pose to rapid COVID-19 spread and the heightened health risks these specific populations face. This provision of the Act responds appropriately to unrefuted public health warnings in this time of crisis to protect individuals in custody, government officials, and the public.

Second, this Act goes a step further in protecting public health and safety by requiring a presumption of release for all other individuals currently in DHS custody, including those subject to mandatory detention. Specifically, the bill requires DHS to review the files of all persons in custody and authorizes release unless DHS can meet a high evidentiary standard justifying continued detention. There is no justification for the continued detention of any person for civil enforcement measures given the emergent nature of the COVID-19 pandemic and the grave risk to those behind bars.

Third, the Act ensures that DHS provide basic health and sanitary supplies and telephonic access to those who remain in custody. Specifically, the Act requires that DHS provide essential items including soap and hand sanitizer and free access to telephone communications with loved ones and counsel. This ensures that even as DHS takes steps to release the people in custody, it also

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Detained Migrants — United States, September 2018–August 2019, ” Aug. 30, 2019, <https://www.cdc.gov/mmwr/volumes/68/wr/pdfs/mm6834a4-H.pdf>.

<sup>4</sup> “We are Adrift, About to Sink: the Looming COVID-19 Disaster in United States Immigration Detention Facilities.” Amnesty International USA. April 2020.

<https://www.amnesty.org/download/Documents/AMR5120952020ENGLISH.PDF>

<sup>5</sup> Foster-Frau, Silvia. “Detained migrants pepper-sprayed for protesting amid coronavirus fears.” San Antonio Express News. March 24, 2020.

<https://www.expressnews.com/news/us-world/border-mexico/article/Detained-migrants-pepper-sprayed-for-rioting-amid-15154870.php>

<sup>6</sup> Ibid.

immediately heeds the advice of public health experts to avoid virus transmission within detention facilities and treats individuals with basic human decency.

Finally, this Act requires ICE to suspend interior civil immigration enforcement during the course of the COVID-19 pandemic except in certain limited circumstances, and specifically prohibits enforcement in sensitive locations, including medical facilities and other places that offer vital assistance. This critical measure ensures that ICE will not deter immigrant communities from seeking lifesaving care and stems the inflow of individuals coming into custody at a time when enforcement of civil immigration laws poses real and dangerous risks to our collective health.

The undersigned groups persist in our calls for the release of people from detention and to entirely suspend civil immigration enforcement in light of the gravity of the pandemic's impact. We are grateful for the leadership of Representative Pramila Jayapal and Senator Cory Booker in introducing this bill, which is a vital step toward ensuring that everyone in our communities are protected during the COVID-19 pandemic. Even without the immediate threat of COVID-19, current levels of ICE detention are unsustainable and unnecessary, to immense financial and moral cost. We hope that this current moment provides an opportunity to work together to both protect our communities and critically examine the inherently arbitrary and deadly nature of our system of mass immigration detention.

For further information, please contact Sarah Gardiner at Freedom For Immigrants, [sgardiner@freedomforimmigrants.org](mailto:sgardiner@freedomforimmigrants.org), or Nayna Gupta at the National Immigrant Justice Center, [ngupta@heartlandalliance.org](mailto:ngupta@heartlandalliance.org).

Sincerely,

Action NC  
Adhikaar  
Advancement Project, National Office  
Advocate Visitors with Immigrants in Detention (AVID) in the Chihuahuan Desert  
Advocates for Immigrant Rights & Reconciliation  
Al Otro Lado  
ALDEA - The People's Justice Center  
Alianza Americas  
Alianza Nacional de Campesinas  
American Friends Service Committee, Colorado  
American Muslim Empowerment Network  
Americans for Immigrant Justice

Amnesty International USA  
Asian Americans Advancing Justice | AAJC  
Asista  
Asylum Seekers Assistance Project  
Bellevue SOT  
Bend the Arc: Jewish Action  
Bethel Presbyterian Church, Lackawanna NY  
Black and Pink  
Brooklyn Defender Services  
Cameroon American Council  
Cardozo Immigration Justice Clinic  
Casa Latina  
Center for Employment Training  
Center for Gender & Refugee Studies  
Center for Law and Social Policy (CLASP)  
Center for Popular Democracy  
Center for Victims of Torture  
Central Washington Justice For Our Neighbors  
Centro de los Derechos del Migrante, Inc.  
Centro Legal de La Raza  
Church of Our Saviour/La Iglesia de Nuestro Salvador  
Church World Service  
Cleveland Jobs with Justice  
Coalition for Humane Immigrant Rights (CHIRLA)  
Coalition on Human Needs  
Colorado Immigrant Rights Coalition  
Columban Center for Advocacy and Outreach  
Columbia Law School Immigrants' Rights Clinic  
Community Visions  
Congregation of Our Lady of the Good Shepherd, U.S. Provinces  
Courageous Resistance of the Desert  
Daily Kos  
Desert Supporters of Asylum Seekers  
Detention Watch Network  
Diocesan Migrant & Refugee Services, Inc.  
Drug Policy Alliance  
Earthjustice  
Elevation Law LLC  
End Domestic Abuse Wisconsin

Esperanza Immigrant Rights Project  
Faith Action Network  
Faith in New Jersey  
Familia TQLM  
First Friends of NJ & NY  
First Parish Cambridge: Beyond Borders Sin Frontera  
Franciscan Action Network  
Freedom For Immigrants  
Friends Committee on National Legislation  
Friends of Miami-Dade Detainees  
Gian-Grasso, Tomczak, & Hufe, PC  
Gopal & Pedigo, PC  
Government Accountability Project  
Haitian Bridge Alliance  
Health in Justice Action Lab, Northeastern University School of Law  
Her Justice  
HIAS  
Hispanic Federation  
Human Rights First  
Human Rights Initiative of North Texas  
Immigrant & Non-Citizen Rights Clinic - CUNY School of Law  
Immigrant Allies of Marshalltown (Iowa)  
Immigrant Legal Advocacy Project  
Immigration Equality Action Fund  
Indivisible  
Indivisible Whidbey - RAIN  
Interfaith Coalition on Immigration  
International Refugee Assistance Project  
Iranian American Bar Association  
ISLA: Immigration Services and Legal Advocacy  
Jewish Coalition for Immigrant Justice NW  
Juntos  
Just Neighbors  
Justice For Our Neighbors Houston  
Justice Strategies  
Kentucky Coalition for Immigrant and Refugee Rights  
Lafayette Urban Ministry Immigration Clinic  
Latina Republic  
Law Firm of Kyce Siddiqi, P.C.

Law Office of Stephanie Nodine, LLC  
Law Offices of Jorge Rodriguez-Choi  
Lawyers' Committee for Civil Rights of the San Francisco Bay Area  
Leadership Conference of Women Religious  
Legal Aid Justice Center  
LIFT  
Los Angeles Center for Law and Justice  
Los Angeles LGBT Center  
Louisiana Advocates for Immigrants in Detention  
Maine Coalition to End Domestic Violence  
Martinez Business & Immigration Law Group, PC  
Massachusetts Law Reform Institute  
Migrant and Immigrant Community Action Project  
Migrant Center for Human Rights  
National Advocacy Center of the Sisters of the Good Shepherd  
National Asian Pacific American Women's Forum (NAPAWF)  
National Association of Social Workers  
National Center for Transgender Equality  
National Council of Churches  
National Immigrant Justice Center  
National Immigration Law Center  
National Iranian American Council  
National Justice for Our Neighbors  
National Korean American Service & Education Consortium (NAKASEC)  
National Network for Immigrant & Refugee Rights  
National Partnership for New Americans  
Neighbors Link Community Law Pra  
NETWORK Lobby for Catholic Social Justice  
New Jersey Coalition to End Domestic Violence  
New Mexico Immigrant Law Center  
New Sanctuary Coalition  
New York Immigration Coalition  
Next100  
North Carolina Justice Center  
Northern Illinois Justice for Our Neighbors  
Northwest Immigrant Rights Project  
Oak Grove Church of God  
OCA-Asian Pacific American Advocates  
Ohio Immigrant Alliance

Ohio Poor People's Campaign: A National Call for Moral Revival  
Operation Restoration  
Organizacion en California de Lideres Campesinas, Inc.  
Oxfam America  
PCUN, Oregon's Farmworker Union  
Peace Action Group of PlymouthChurchSeattle UCC  
People's Action  
Physicians for Human Rights  
Poder Latinx  
Prisoners' Legal Services  
Project On Government Oversight  
Project South  
Public Counsel  
Public Justice, PC  
Quixote Center  
Reformed Church of Highland Park Affordable Housing Corp  
Rian Immigrant Center  
Rocky Mountain Immigrant Advocacy Network (RMIAN)  
Rutgers Presbyterian Church  
San Antonio Region Justice For Our Neighbors  
Sanctuary DMV  
Santa Fe Dreamers Project  
Seattle Immigrant Rights Action Group  
Seattle Interfaith Migrant Rights Network  
Service Employees International Union (SEIU)  
Sisters of Mercy of the Americas Justice Team  
Sound Alliance- King and Pierce Counties, Washington State  
Southern Border Communities Coalition  
Southwest Youth and Family Services  
Southwestern Law School Removal Defense Clinic and Pro Bono Removal Defense Program  
Still Waters Anti-trafficking Program  
SYL Foundation  
TASSC International  
Temple Beth Am Immigrant Justice Action Team  
The Advocates for Human Rights  
The Florence Immigrant & Refugee Rights Project  
The Leadership Conference on Civil and Human Rights  
The Sikh Coalition  
Transformations CDC

Union for Reform Judaism  
Unitarian Universalist Service Committee  
United Stateless  
United We Dream  
University of Maryland Carey Immigration Clinic  
Vashon Island Unitarian Fellowship  
Vashon-Maury SURJ  
Violence Free Colorado  
Wallingford Indivisible  
Washington Census Alliance  
Washington Defender Association  
Washington Immigrant Solidarity Network  
Washington Office on Latin America  
Washington State Religious Campaign Against Torture  
Washington State Labor Council  
Western Washington Fellowship of Reconciliation  
Witness at the Border  
Women's Refugee Commission  
Wyoming Coalition Against Domestic Violence and Sexual Assault  
YMCA of Greater Houston  
Young Center for Immigrant Children's Rights