

Congress of the United States
House of Representatives
Washington, DC 20515-4320

March 5, 2020

The Honorable Chad F. Wolf
Acting Secretary
U.S. Department of Homeland Security
301 7th Street, SW
Washington, DC 20528

Dear Acting Secretary Wolf,

On January 31, 2020, Health and Human Services (HHS) Secretary Alex M. Azar II declared a public health emergency (PHE) for the United States to aid the nation's health care community in responding to the novel coronavirus (COVID-19).¹ Since then, we have seen COVID-19 outbreaks in communities across the country. We are concerned that enforcement activities by the Department of Homeland Security (DHS) could occur around sensitive areas and fear that the recently implemented "Inadmissibility on Public Charge Grounds" final rule will undermine public health efforts during this crisis and ultimately curtail efforts to effectively respond and prevent more COVID-19 outbreaks. The highest priorities for the federal government at this time must be to protect the life and safety of all people and to both prevent the further spread of this virus and move the country toward a full recovery.

As such, it is critical that the Trump Administration proactively communicate to all Americans and immigrant communities that DHS will suspend all immigration enforcement activities occurring near hospitals, medical clinics and centers, or coronavirus testing sites or laboratories. These locations already should be treated as sensitive locations pursuant to ICE policy, but reaffirming this commitment while assuring the public that protecting health and safety are of paramount importance to the Department at this time is essential.² DHS must clarify that undocumented individuals or their relatives will not be referred to immigration authorities if they seek treatment related to potential COVID-19 illness. In addition, DHS should suspend the implementation of the "Inadmissibility on Public Charge Grounds" final rule, which many public health experts have said threaten public health on a national scale³ and can have devastating consequences in the current health crisis. Finally, it is important that DHS provide clear and consistent communication with localities and the immigrant community regarding the closure of any U.S. Citizenship and Immigration Services (USCIS) offices that provide important immigration services to Americans and immigrant families.

We have seen that this disease inevitably transcends all boundaries and it is our responsibility as bodies of the United States government to respond in a civil and adequate manner. Over 450 experts in public health, law, and human rights, with experience in previous pandemic responses issued an open letter on March 2, 2020 addressed

1 Centers for Disease Control and Prevention *Coronavirus Disease 2019 (COVID-19) Situation Summary* March 3, 2020
<https://www.cdc.gov/coronavirus/2019-ncov/summary.html> (last accessed March 5, 2020).

2 John Morton, U.S. Immigration and Customs Enforcement Memorandum *Enforcement Actions at or Focused on Sensitive Locations* Oct 24, 2011 <https://www.ice.gov/doclib/ero-outreach/pdf/10029.2-policy.pdf> (last accessed March 5, 2020).

3Leighton Ku, *New Evidence Demonstrates that the Public Charge Rule will Harm Immigrant Families and Others* October 9, 2019
<https://www.healthaffairs.org/doi/10.1377/hblog20191008.70483/full/> (last accessed March 5, 2020).

to government officials calling for health care facilities to be declared as “immigration enforcement-free zones.”⁴ Time and time again, the current administration has honored past precedent and modified or suspended immigration enforcement in response to natural disasters and other emergencies. In 2016, DHS issued public statements announcing that the agency would suspend immigration enforcement initiatives in areas affected by Hurricane Harvey. In 2018, DHS also suspended routine immigration enforcement operations in the areas affected by wildfires in northern California.⁵ Moreover, enforcement operations were suspended during the Flint water crisis, a public health crisis where the sanctity of human life took priority over routine immigration enforcement practices.⁶ In so many of these instances, the DHS guidance explicitly acknowledged that the Department’s “highest priority remains the preservation of life and safety.” Immigration status should not prevent a person or their relatives from seeking care. We know that if individuals do not seek care out of fear, it endangers the lives of others in the community who may be vulnerable and susceptible to COVID-19.

If U.S. Immigration and Customs Enforcement's (ICE) and U.S. Customs and Border Protection's (CBP) highest priorities are to promote lifesaving and life-sustaining activities, we urge you to swiftly act to address concerns regarding immigration enforcement and the “Public Charge” rule. Further, we have seen reports of one USCIS office that was closed in Washington over COVID-19 related concerns. It is important that USCIS provide timely guidance to immigrants that have appointments and pressing issues and prioritize accommodations for those who are affected by any office closures. Transparent and timely communication will be crucial in preserving public trust and participation. These policies and initiatives should be plainly and explicitly expressed to the public in a timely and honest manner.

We look forward to your response regarding this request and working with you to protect the health and human rights of everyone in the U.S.

Sincerely,



Joaquin Castro
Chair
Congressional Hispanic Caucus



Judy Chu
Chair
Congressional Asian Pacific
American Caucus



Karen Bass
Chair
Congressional Black Caucus

4 Public Health and Legal Experts in the United States, *An Open Letter to Vice-President Mike Pence and other Federal, State, and Local Leaders from Public Health and Legal Experts in the United States* March 2, 2020 https://law.yale.edu/sites/default/files/area/center/ghjp/documents/final_covid-19_letter_from_public_health_and_legal_experts.pdf (last accessed March 5, 2020).

5 U.S. Department of Homeland Security, *DHS Statement Regarding Safety and Enforcement During Northern California Wildfires* August 6, 2018 <https://www.dhs.gov/news/2018/08/06/dhs-statement-regarding-safety-and-enforcement-during-northern-california-wildfires> (last accessed March 5, 2020).

6 U.S. Department of Homeland Security, *Public Notice on the Current Water Emergency in Flint, Michigan* February 24, 2016. <https://www.dhs.gov/news/2016/02/24/public-notice-current-water-emergency-flint-mich> (last accessed March 5, 2020).