



CONGRESSIONAL HISPANIC CAUCUS

Joaquin Castro | Chairman

116th Congress

May 20, 2020

The Honorable Michael R. Pompeo
Secretary
U.S. Department of State.
2201 C Street, N.W.
Washington D.C. 20520

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

Dear Secretary Pompeo and Acting Secretary Wolf,

As the world continues to struggle through the global COVID-19 pandemic, we are writing to express our grave concerns over the continuing deportation and expulsion of people to countries that lack the political, health, and social infrastructures necessary to contend with the disease. We call upon you to halt the deportation and expulsion of individuals. Further, we urge you to swiftly and safely release individuals into the care of family or friends in order to prevent the spread of COVID-19, preserve regional stability, and save lives.

According to recent reports, well over 100 individuals deported to Guatemala, El Salvador, Honduras, and Haiti tested positive for COVID-19, portending a calamitous spread of the disease throughout the Latin America and Caribbean (LAC) region.¹ Prior to the outbreak, these countries struggled with internal challenges such as political discord, economic instability, and inadequate healthcare. In light of such concerns, they are ill-equipped to manage any increased exposure to COVID-19 or withstand a national epidemic. The danger to these countries and the LAC region goes beyond health and includes the related risk of political crises, as demonstrated by countries, like Hungary, taking advantage of the pandemic to exert control.² Given the vulnerability of many countries in the LAC region, the deportations are particularly egregious because ICE detention centers are experiencing COVID-19 outbreaks, and U.S. immigration authorities do not systematically test people for the disease.³ As such, the defeat of COVID-19 depends on our ability to prevent the spread of the virus to other countries and willingness to participate in a coordinated regional effort. As the world's leading democracy, the United States must advance such an effort not only to safeguard international interests, but to make our own country safe. However, the Administration's choice to return people to ill-prepared countries represents an isolationist posture that undermines U.S. leadership, injures our relationships, threatens instability, and hinders our best chances of vanquishing COVID-19.

While the U.S. continues to deport and expel people, the list of destination countries appears to have expanded in the LAC region in 2020 to include Mexico, Brazil, Nicaragua, Ecuador, the Dominican Republic, Colombia,

¹ Jonathan Blitzer, "The Trump Administration's Deportation Policy is Spreading the Coronavirus," *The New Yorker*, May 13, 2020.

² *The Economist*, "Would-Be Autocrats Are Using COVID-19 As An Excuse to Grab More Power," April 23, 2020.

³ Kevin Sieff, Nick Miroff, "U.S. is Deporting Infected Migrants Back to Vulnerable Countries," *Washington Post*, April 21, 2020.

and Jamaica.⁴ Demonstrating the exponential danger of these deportations and expulsions, at least 44 migrants flown on one flight to Guatemala tested positive for Coronavirus,⁵ one individual flown to Mexico appears to have spread the disease to 14 others,⁶ and about 24 of 64 migrants tested positive for COVID-19 on a flight to Colombia.⁷ Infected individuals not only face the trauma of battling COVID-19 in a country where treatment may not be immediately accessible, they also may face discrimination and violence from local communities who fear transmission of the disease.⁸ The risk to unaccompanied minors is particularly grave since they are vulnerable to traffickers or extended networks of abuse or exploitation upon return to LAC.

The public reaction to some people who have been deported or expelled to several LAC countries stems from the institutional incapacity of governments to contend with the fallout from the virus. For example, as the poorest country in the Americas, Haiti is wracked by political turmoil and poor infrastructure. Even before the pandemic, Haiti suffered from a collapsing healthcare system with only 100 ventilators for 11 million residents⁹ and, as advocates report, 124 ICU beds for the entire country. While the government attempts to quarantine people upon arrival, an individual who had tested positive for the virus was able to flee quarantine.¹⁰

The spread of COVID-19 has been exacerbated by the U.S. government's failure to test all people slated to be deported or expelled. Since the onset of COVID-19, U.S. immigration authorities have claimed to conduct minimal medical screening, such as taking people's temperature and watching for obvious symptoms, but have not consistently administered COVID-19 tests.¹¹ This type of minimal screening is insufficient, as observed by Mexican immigration officers who wondered how individuals with a dry cough, red eyes, and a fever were allowed to board flights.¹² While the U.S. government has allegedly agreed to test individuals before they are deported to Guatemala (after Guatemala halted flights in April due to COVID-19 transmission),¹³ as well as additional migrants in detention,¹⁴ U.S. immigration officials will not commit to administering coronavirus tests for all people deported or expelled from the U.S.¹⁵

The reluctance of U.S. immigration authorities to comprehensively administer COVID-19 tests reflects their failure to conduct wide-scale testing of U.S. government detention or holding facilities. Many of the deportees come from ICE detention centers where only an estimated 1% of the population has been tested.¹⁶ Of those tested, 60% tested positive for the virus¹⁷—revealing the chance that deportees would have been exposed to the virus. In addition, flights with infected individuals have come from airfield holding centers where multiple employees tested positive for COVID-19.¹⁸ Alarming, planes that were used for deportation and expulsion have also been used to repatriate Americans back to the U.S.,¹⁹ one of which was confirmed to have carried migrants that tested positive.²⁰ Detention, deportation, and expulsion practices are, thus, putting migrants, staff, repatriated U.S. citizens, and the populations of destination countries at unacceptable risk.

⁴ Jake Johnston, "Exporting COVID-19: ICE Air Conducted Deportation Flights to 11 LAC Countries, Flight Data Shows," Center for Economic and Policy Research, April 27, 2020.

⁵ Natalie Gallon, "44 Migrants on One US Deportation Flight Tested Positive For Coronavirus," CNN, April 17, 2020.

⁶ Kevin Sieff, Nick Miroff, "U.S. is Deporting Infected Migrants Back to Vulnerable Countries," Washington Post, April 21, 2020.

⁷ Arshad Mohammed, Julia Symmes Cobb, Frank Jack Daniel, "Two Dozen People Deported to Colombia on U.S. Flight Found to Have Coronavirus: Sources," Reuters, April 29, 2020.

⁸ Sonia Perez D., "Virus Fear Turns Deportees Into Pariahs at Home in Guatemala," Associated Press, May 4, 2020.

⁹ Andre Paultre, "Haiti Receives More Deportees from U.S. Despite Coronavirus Fears," Reuters, April 23, 2020.

¹⁰ Andre Paultre, "Haiti Receives More Deportees from U.S. Despite Coronavirus Fears," Reuters, April 23, 2020.

¹¹ Carrie Kahn, "Migrant Advocates Call for More Testing Before Deportations," NPR, May 2, 2020.

¹² Kevin Sieff, Nick Miroff, "U.S. is Deporting Infected Migrants Back to Vulnerable Countries," Washington Post, April 21, 2020.

¹³ Cindy Carcamo, Mary O'Toole "Migrants Deported by U.S. Make Up More Than 15% of Guatemala's Coronavirus Cases," Los Angeles Times, May 4, 2020.

¹⁴ Ted Hesson, Mica Rosenberg, "U.S. to Test Some Immigrants for Coronavirus Before Deportation," Reuters, April 23, 2020.

¹⁵ Kevin Sieff, Nick Miroff, "U.S. is Deporting Infected Migrants Back to Vulnerable Countries," Washington Post, April 21, 2020.

¹⁶ Jeffery Martin, "60 Percent of ICE Detainees Tested Have Coronavirus," Newsweek, April 28, 2020.

¹⁷ Jeffery Martin, "60 Percent of ICE Detainees Tested Have Coronavirus," Newsweek, April 28, 2020.

¹⁸ Arshad Mohammed, Julia Symmes Cobb, Frank Jack Daniel, "Two Dozen People Deported to Colombia on U.S. Flight Found to Have Coronavirus: Sources," Reuters, April 29, 2020.

¹⁹ Daniel Gonzalez, "273 Americans Stuck in Central America Flown Back to the U.S. on ICE Deportation Flights," USA Today, March 27, 2020.

²⁰ Arshad Mohammed, Julia Symmes Cobb, Frank Jack Daniel, "Two Dozen People Deported to Colombia on U.S. Flight Found to Have Coronavirus: Sources," Reuters, April 29, 2020.

Finally, it is in our country's interest to halt the deportations because they could strengthen a would-be authoritarian government power grab and risk exposing people to serious human rights abuses. Under the pretense of quarantine and prevention, a number of governments are increasing surveillance and squashing dissent in the LAC region.²¹ In El Salvador, President Bukele has defied a Supreme Court order by continuing to lock up more than 2,000 people for violating social-distancing rules, prompting "a constitutional crisis in one of Latin America's most violent countries."²² In Brazil, which has the highest rate of COVID-19 infection in Latin America, President Bolsonaro of Brazil denies the severity of COVID-19, obstructing a nation-wide response, as a last-ditch effort to distance himself from a likely economic recession.²³ The rise of authoritarian influences in the region forewarns of greater societal unrest and the spread of COVID-19, as well as a collapse in regional, inter-state trade that has dire consequences for U.S. supply chains. This scenario is particularly worrisome given that multiple Ambassadorial posts in the region are vacant and filled by Acting Ambassadors.

With these concerns in mind, we ask that you answer the following questions:

1. How many individuals has the U.S. Immigration and Customs Enforcement agency deported since January 2020? Please provide this information by country, including breakdowns by family units, unaccompanied children, and adults.
2. The Customs and Border Patrol website notes that approximately 21,000 people were expelled from the U.S. through the end of April under the March 20th order issued by the Centers for Disease Control and Prevention (CDC). Were any of the 21,000 people held in a U.S. government facility when apprehended? If so, how many and for how long? Have any of those facilities reported COVID-19 infections? If any expelled people were placed on flights, indicate the receiving country and the number of people on each flight, including a breakdown of family units, unaccompanied children, and adults.
3. What sort of medical screening do U.S. immigration authorities conduct before individuals are placed on deportation flights or expelled? Does this medical screening include testing of the COVID-19 virus for each person deported or expelled? If not, under what circumstances is a COVID-19 test administered, and to whom?
4. What steps do U.S. immigration authorities take when a person or unaccompanied child appears ill in custody, on the flight, or upon landing? What steps do U.S. immigration authorities take when an adult or unaccompanied child has tested positive for COVID-19?
5. How are U.S. immigration authorities adhering to the CDC guidelines on deportation flights in terms of seating migrants?
6. Are the same planes used for these flights used to repatriate American citizens back to the United States? If so, what sanitization processes are employed? What precautions are taken to safeguard the airline crews?
7. Do U.S. immigration authorities plan to test all individuals scheduled to be deported or expelled from the U.S.? If not, please explain who will be tested and why, and explain who will not be tested and why.

²¹ Selam Gebrekidan, "For Autocrats, and Others, Coronavirus Is a Chance to Grab Even More Power," *The New York Times*, March 30, 2020; Geoff Thale, "Latin America's Next Generation of Authoritarians is Using COVID-19 to Consolidate Power," *El Faro*, May 13, 2020.

²² *The Economist*, "Would-be Autocrats Are Using COVID-19 as an Excuse to Grab More Power," April 23 2020 Edition.

²³ Julie Ricard, Juliana Medeiros, "Using Misinformation as a Political Weapon: COVID-19 and Bolsonaro in Brazil," *Harvard Kennedy School Mis/Information Review*, April 17, 2020.

8. What is the Department of Homeland Security doing to ensure that people deported or expelled who have not been tested in the U.S., are getting tested in the receiving country?
9. What has been the response of the governments that have received people deported or expelled that tested positive for COVID-19 as communicated to the U.S. diplomatic missions in those countries? Is the U.S. government providing emergency assistance to mitigate the impact of returning individuals who have tested positive for COVID-19?
10. What strategy has the Department of State employed to provide health and economic support to address the COVID-19 pandemic in the LAC region, including food security, primary education, livelihoods and child protection? Is a government's willingness to receive deported migrants considered in deciding the scope and nature of assistance?

The U.S. practice of deporting and expelling migrants throughout the LAC region contributes to the rapid spread of the COVID-19 virus to the countries least able to protect its people from the deadly effects of the disease. It is the moral responsibility of our country to halt the deportations and expulsions and to provide all available assistance to the region, which will be devastated if preventive and responsive measures are not taken immediately to address the COVID-19 pandemic.

Please provide answers to the above questions by May 29, 2020.

Sincerely,

Joaquin Castro
CHC Chair

Tony Cárdenas
Member of Congress

Nanette Diaz Barragán
CHC Second Vice Chair

Sylvia R. Garcia
Member of Congress

Adriano Espaillat
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