



## CONGRESSIONAL HISPANIC CAUCUS

*Joaquin Castro* | *Chairman*

116<sup>TH</sup> CONGRESS

March 13, 2020

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

The Honorable Alex Azar  
Secretary  
U.S. Department of Health & Human Services  
Mary E. Switzer Building  
330 C Street SW Room 5123  
Washington, DC 20201

Dear Acting Secretary Wolf and Secretary Azar,

The United States is currently reporting at least 1,629 cases of coronavirus (COVID-19) with 41 fatalities, so far<sup>1</sup>. Due to your agency's respective roles in detaining tens of thousands of individuals, we write to inquire about your preparation plans in managing the spread of COVID-19 in your facilities, how you are treating individuals who are exhibiting symptoms of COVID-19, and plans to manage resources accordingly. We are concerned about vulnerable populations who are especially susceptible to COVID-19, for example, individuals older than 60 and those with underlying health conditions.<sup>2</sup> It is imperative that a coordinated and humane plan is imposed to minimize spread and fatalities on the U.S. government's watch.

We urge you to prioritize the health and safety of those in your custody and employment by reducing detention numbers in a safe and swift manner, including by expeditiously placing children in homes and releasing non-priority detainees. Unfortunately, both of your agencies have had deaths in custody that are related to a limited capacity to care for vulnerable and medically frail individuals. We are especially alarmed by the historic high in the number of deaths in Immigration and Customs Enforcement (ICE) custody in Fiscal Year 2020. We see these deaths as not only tied to the lack of adequate medical care in ICE custody, but also to the deplorable conditions often found in ICE detention facilities. In addition, like hospitals your agencies must prepare to ensure the health and safety of both detainees and employees by maintaining appropriate supplies of disinfectant products and crucial personal protective equipment, such as gloves, and masks.

It is our understanding that there are currently no detainees in custody confirmed with coronavirus, but four have met criteria for testing.<sup>3</sup> Additionally, your agency reports that ICE epidemiologists are tracking the outbreak and "regularly updating infecting prevention and control protocols, and issuing guidance to ICE Health Service Corps staff for the screening and management of potential exposure among detainees."<sup>4</sup> However, we understand that an ongoing quarantine in an ICE detention in South Florida is causing the community to question whether the agency is prepared for an outbreak of COVID-19.<sup>5</sup> According to media reports, several immigrants are being held in a special ward at the Glades County Detention Center after an undetermined number of quarantined detainees with "flu-like symptoms" were moved to a hospital to undergo testing for COVID-19.<sup>6</sup> Yesterday, we became aware of a leaked Customs and Border Patrol (CBP) pandemic response plan<sup>7</sup> outlining the agency's ability to surveil and potentially detain individuals suspected of carrying

<sup>1</sup> <https://www.cdc.gov/coronavirus/2019-ncov/cases-in-us.html>

<sup>2</sup> Centers for Disease Control (CDC), *People at Risk for Serious Illness from COVID-19*, <https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/high-risk-complications.html>

<sup>3</sup> Brittny Mejia, *ICE says no confirmed coronavirus among detainees, but four meet criteria for testing*

<sup>4</sup> Id.

<sup>5</sup> Manuel Madrid, *Florida ICE Jail Quarantines Detainees Amid Coronavirus Testing* March 10, 2020 <https://www.miaminewtimes.com/news/ice-immigrant-detainees-in-glades-county-florida-tested-for-coronavirus-11581235> (last accessed March 11, 2020).

<sup>6</sup> Id.

<sup>7</sup> <https://www.thenation.com/article/society/coronavirus-trump-pandemic/>


the illness. Given the Administration's proven anti-immigrant record, we would like more detailed information on CBP's pandemic response and its applicability during this coronavirus crisis to ensure CBP's efforts are not discriminatory and instead prioritize public health.

Unfortunately, in Fiscal Year 2020, we have already seen eight immigrants die in ICE custody due to various causes.<sup>8</sup> We are concerned that the number of fatalities will spike due to a lack of preparation in response to the coronavirus and coordination across DHS, contractors, and nearby medical facilities. It is critical that ICE and CBP quickly work to reduce their detention numbers. We strongly urge both CBP and ICE to immediately develop and execute a policy, with the concurrence of the Office of Civil Rights and Civil Liberties, to reassess each person in their custody, on an individual basis, to determine whether they pose a threat to public safety or are a flight risk; any individuals not meeting those criteria should be released on parole, bond, or with some level of supervision. Further, we urge that ICE immediately train their field officers to presume against detention for new individuals coming into custody. We also urge ICE to coordinate with county jails and private prison operators to ensure that legal access is guaranteed even during this crisis; this would mean at a minimum confidential free phone calls in a private space for people to talk with their lawyers, and confidential phone calls and video presentation capacity for legal service providers that are no longer able to provide in-person legal programming such as the Legal Orientation Program (LOP).

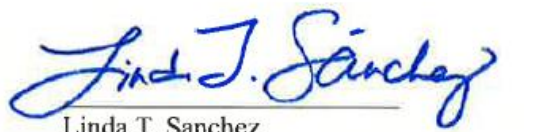
On March 10, 2020, there were media reports that the Office of Refugee Resettlement (ORR) will no longer place unaccompanied migrant children in shelters in California and Washington for the near future.<sup>9</sup> More than 3,000 unaccompanied children were apprehended by Border Patrol in February, according to data from CBP.<sup>10</sup> As of March 6, ORR told CNN that there have not been any suspected or confirmed coronavirus cases among unaccompanied children, but the agency has not provided an update since then.<sup>11</sup> We respectfully request that ORR provide weekly updates regarding its response to COVID-19, including what, if any, protocols the agency has issued to address COVID-19 exposure risks in ORR-contracted facilities and what, if any, guidance ORR has disseminated to care providers regarding screening, testing and medical treatment for sick children. We also urge ORR to accommodate short term modifications to ensure children in their custody have access to legal information while allowing ORR contractors to take necessary precautions to reduce the risk of transmission for children and staff.

Thank you for your attention to this urgent matter.

Sincerely,



Joaquin Castro  
Chairman  
Congressional Hispanic Caucus



Linda T. Sanchez  
Chairwoman  
Congressional Hispanic Caucus  
Immigration and Border Issues Task Force

<sup>8</sup> Camilo Montoya-Galvez, *22-year-old Guatemalan asylum seeker dies in ICE custody; 8<sup>th</sup> death since October* March 9, 2020 <https://www.cbsnews.com/news/22-year-old-guatemalan-asylum-seeker-dies-in-ice-custody-8th-death-since-october-2020-03-09/> (last accessed March 10, 2020).

<sup>9</sup> Priscilla Alvarez, *Trump administration won't place migrant children in Washington and California due to coronavirus outbreak* March 10, 2020 [https://www.fox10tv.com/news/coronavirus/trump-administration-won-t-place-migrant-children-in-washington-and/article\\_6b897259-94cd-5ee0-a653-c3b99102d77c.html](https://www.fox10tv.com/news/coronavirus/trump-administration-won-t-place-migrant-children-in-washington-and/article_6b897259-94cd-5ee0-a653-c3b99102d77c.html) (last accessed March 11, 2020).

<sup>10</sup> Id.

<sup>11</sup> Id.