

United States Senate

WASHINGTON, DC 20510

May 29, 2020

Acting Secretary Chad F. Wolf
U.S. Department of Homeland Security
500 12th St. SW
Washington, D.C. 20536

Dear Acting Secretary Wolf,

We write to urge the Department of Homeland Security (DHS) to take immediate steps to halt transfers of individuals in Immigration and Customs Enforcement (ICE) custody between detention facilities, including transfers into the ICE system from the federal prison system or state and local law enforcement agencies. We also urge ICE to expand novel coronavirus (COVID-19) testing at all ICE facilities, including processing centers, privately run facilities, and local jails contracting with ICE.

The revolving door between federal, state, and local jails and ICE facilities, as well as within ICE's network of detention centers accelerates the rapidly growing number of COVID-19 cases in facilities nationwide and puts vulnerable communities in the surrounding areas at a heightened public health risk of an outbreak.

ICE's nationwide detention system constantly shuffles individuals in custody across 200 facilities. Currently, there are approximately 25,911 ICE detainees facing an especially heightened risk of COVID-19 infection due in part to the lack of access to sanitary supplies and the inability to safely socially distance. According to ICE, there have been at least 1,327 confirmed cases of COVID-19 among those in ICE custody in 54 locations across the country.¹ Of the tests conducted, approximately 50% have been positive. This is more than double the infection rate in the overall U.S. population. Further, 44 ICE employees at detention centers have tested positive for the virus. Due to lack of testing and underreporting on infections among contract staff, these numbers are likely much higher. Until now, ICE has only tested 2,620- or approximately ten percent - of all individuals in custody.

Despite crowded and unsanitary conditions that facilitate the spread of the virus, ICE continues to transfer hundreds of individuals between facilities without adequate testing. Between April 30 and May 12, one report documents at least seven instances of transfers to or from a facility with confirmed cases of COVID-19.²

In some instances, ICE chose to comply with court directives to reduce detention levels by transferring detainees to other facilities, serving only to increase detention levels in transfer sites and exacerbate the spread of the virus. For example, when a federal court mandated that ICE reduce detention levels in three Florida facilities to mitigate spread of the virus, the agency

¹ <https://www.ice.gov/coronavirus>, May 28, 2020.

² "COVID-19 in ICE Custody, Bi-Weekly Analysis & Update, May 14, 2020," Freedom for Immigrants, <https://tinyurl.com/yay2vzek>.

transferred at least 200 individuals to other facilities across the South. According to reports, none of the receiving facilities had capacity to accept these transfers or adhere to basic social distancing requirements with the influx of transferees.

Testing and outbreak patterns make clear that these inter-facility transfers result in virus outbreak in previously unaffected jails.³ Yet, ICE has initiated transfers from facilities with high concentrations of COVID-19 positive cases to facilities with no known cases. According to reports, on April 11, ICE transferred 72 individuals from jails in Pennsylvania and New York with a significant number of COVID-19 cases to a facility in Prairieland, Texas.⁴ Within two weeks, the Texas facility found itself with 41 cases of COVID-19—far more than it had seen before.

Shuttling hundreds of individuals between facilities also places the communities surrounding detention facilities at a heightened risk of a COVID-19 outbreak. Despite local resistance, a recent ICE transfer of 200 individuals to the Adams County Correctional Facility—a privately-operated facility in a small Mississippi community—has resulted in a COVID-19 incidence over 40% higher in the county than that of the national average.⁵ At the time of this transfer, staff at the Adams County facility were not equipped with protective face masks.

Other small communities like Adams County are unfairly burdened with the impact of ICE's failure to appropriately respond to the pandemic. In New Mexico, ICE facilities in Otero County are recent hot spots of COVID-19 outbreaks—reporting at least 92 confirmed COVID-19 cases across an ICE processing center and detention facility.⁶ The growing COVID-19 crisis inside the Otero facilities place the surrounding small community of Chaparral at a higher public health risk of an accelerated outbreak amidst already limited health-care resources.

Public health experts are clear that frequent movement into confined or crowded spaces and a lack of adequate testing fuels this pandemic. Until ICE halts transfers and expands testing, the agency will continue to exacerbate conditions for individuals in ICE custody and for all the communities surrounding its facilities.

Sincerely,

/s/ Martin Heinrich

Martin Heinrich
United States Senator

/s/ Dianne Feinstein

Dianne Feinstein
United States Senator

³ "COVID-19 in ICE Custody, Bi-Weekly Analysis & Update, April 29, 2020," Freedom for Immigrants, <https://tinyurl.com/y73hbdwd>.

⁴ "ICE Moved Dozens of Detainees Across the Country During the Coronavirus Pandemic. Now Many Have COVID-19," BuzzFeed News, <https://www.buzzfeednews.com/article/hamedaleaziz/ice-immigrant-transfer-jail-coronavirus>.

⁵ "Like Petri Dishes for the Virus': ICE Detention Centers Threaten the Rural South," Politico Magazine, May 5, 2020, <https://www.politico.com/news/magazine/2020/05/05/coronavirus-ice-detention-rural-communities-186688>.

⁶ <https://cv.nmhealth.org/2020/05/27/updated-new-mexico-covid-19-cases-now-at-7252>, May 27, 2020.

/s/ Tom Udall
Tom Udall
United States Senator

/s/ Edward J. Markey
Edward J. Markey
United States Senator

/s/ Tom R. Carper
Tom R. Carper
United States Senator

/s/ Jeffrey A. Merkley
Jeffrey A. Merkley
United States Senator

/s/ Elizabeth Warren
Elizabeth Warren
United States Senator

/s/ Sheldon Whitehouse
Sheldon Whitehouse
United States Senator

/s/ Robert Menendez
Robert Menendez
United States Senator

/s/ Mazie K. Hirono
Mazie K. Hirono
United States Senator

/s/ Ron Wyden
Ron Wyden
United States Senator

/s/ Kamala D. Harris
Kamala D. Harris
United States Senator

/s/ Cory A. Booker
Cory A. Booker
United States Senator

/s/ Amy Klobuchar
Amy Klobuchar
United States Senator

/s/ Jeanne Shaheen
Jeanne Shaheen
United States Senator

/s/ Bernard Sanders
Bernard Sanders
United States Senator

/s/ Michael F. Bennet
Michael F. Bennet
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/s/ Richard Blumenthal
Richard Blumenthal
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