

March 30, 2020

Daniel Bible
Field Office Director
Immigration and Customs Enforcement, Enforcement and Removal Operations
San Antonio Field Office
1777 NE Loop 410 Floor 15
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RE: Protecting people in ICE detention in the Rio Grande Valley from COVID-19

Dear Field Office Director Daniel Bible,

We write to voice our concern about the impending spread of the novel coronavirus and Immigration and Customs Enforcement's (ICE) response to this crisis. Given ICE's history of addressing disease outbreaks in its detention facilities, and the lack of clear planning to address COVID-19, we fear for the health and well-being of individuals in detention. **We urge ICE to use its discretion to order the immediate release of all immigrants detained in the Rio Grande Valley to their families and communities.**

Public health agencies around the world are sounding the alarm about COVID-19's impact as the number of cases in the country rises. Those detained in close quarters are particularly susceptible to contracting and rapidly spreading this highly contagious virus.¹ We know from experience that medical care at ICE facilities in the Rio Grande Valley is inadequate, and that proper measures have not been taken to ensure the safety of people detained and facility staff at the Port Isabel Service Processing Center and the El Valle Detention Facility during this outbreak.

Medical professionals recommend strict social distancing as a crucial measure for avoiding transmission, but this is impossible to implement in any detention facility. At El Valle Detention Facility, for example, individuals sleep in large dormitories with dozens of others. Previously, close quarters coupled with systemic inadequate care have allowed outbreaks of mumps, scabies, and other highly contagious diseases to spread aggressively in immigration detention facilities. According to the US Centers for Disease Control and Prevention, in the period between September 1, 2018 and August 22, 2019, over 900 staff and people detained contracted mumps in 57 ICE facilities.²

Medical professionals also stress that personal hygiene practices are crucial to slowing the spread of the virus. However, individuals detained at Port Isabel Service Processing Center report that

¹ See NPR, "Prisons and Jails Worry about Becoming Coronavirus 'Incubators,'" March 13, 2020, available at: <https://www.npr.org/2020/03/13/815002735/prisons-and-jails-worry-about-becoming-coronavirus-incubators>; Al Jazeera, "US prisons are woefully unequipped to deal with coronavirus," March 12, 2020, available at: <https://www.aljazeera.com/indepth/opinion/prisons-woefully-unequipped-deal-coronavirus-200310075911589.html>.

² Centers for Disease Control and Prevention, *Notes from the Field: Mumps in Detention Facilities that House Detained Migrants — United States, September 2018–August 2019*, August 30, 2019, available at: <https://www.cdc.gov/mmwr/volumes/68/wr/mm6834a4.htm>

they have not been provided sanitizer and hygiene products or even been given information about the virus.

There is a long history of inadequate medical care and terrible living conditions at Port Isabel Service Processing Center, which at times has led individuals to go on hunger strike.³ At least four individuals detained at Port Isabel have reportedly gone on hunger strike since August 2019.⁴ Individuals already weakened by hunger strike are at increased risk for serious illness from exposure to the coronavirus. Moreover, on March 23 we learned that Ramiro Hernandez-Ibarra tragically died of septic shock after being detained at Port Isabel for 64 days.⁵ He was the 10th person to die in ICE custody since October 2019, further highlighting the systemic medical negligence in ICE facilities.⁶

The El Valle Detention Facility is also a notorious site for medical neglect and unsanitary conditions. Throughout its history as first a civil immigration detention center, a Criminal Alien Requirement prison, and back to civil detention facility, the prison in Willacy County has consistently denied adequate medical care to people in detention and held them in squalid conditions.⁷

Three jails in New Jersey detaining individuals for ICE have reported confirmed cases of COVID-19, and an employee at an ICE facility in Conroe, Texas has also tested positive.⁸ If previous efforts to contain disease outbreaks and provide adequate medical care are any indication, **ICE cannot guarantee the health and safety of people detained. ICE must use its discretion to release all individuals at the Port Isabel Service Processing Center and the El Valle Detention Facility. To start, ICE must grant the release of people who, if infected, are**

³ See The Texas Tribune, “Port Isabel detention center, where immigrants will be sent before reuniting with children, has long history of problems,” June 27, 2018, available at:

<https://www.texastribune.org/2018/06/27/port-isabel-detention-center-long-history-problems-immigrants-reunific/>

⁴ See The Brownsville Herald, “Detainees launch hunger strikes in ICE facilities,” January, 2020, available at:

https://www.brownsvilleherald.com/news/local/detainees-launch-hunger-strikes-in-ice-facilities/article_92e1269e-3ef6-11ea-a7ca-ebf57d0395a3.html?mode=jqm

⁵ US Immigration and Customs Enforcement, *Mexican man in ICE custody passes away in Texas*, March 23, 2020, available at:

<https://www.ice.gov/news/releases/mexican-man-ice-custody-passes-away-texas>

⁶ See BuzzFeed News, “A 42-Year-Old Mexican Man Has Died In ICE Custody,” March 22, 2020, available at:

<https://www.buzzfeednews.com/article/hamedaleaziz/mexican-man-died-ice-custody-texas>

⁷ See Texas Observer, “Immigrants in Federal Prisons ‘Subjected to Shocking Abuse and Mistreatment’,” June 10, 2014, available at:

<https://www.texasobserver.org/immigrants-federal-prisons-subjected-shocking-abuse-mistreatment/>; Texas

Observer, “New 1,000-Bed ICE Lockup Set to Open on Site of Notorious ‘Tent City’ in South Texas,” June 27, 2018, available at:

<https://www.texasobserver.org/new-1000-bed-ice-lockup-set-to-open-on-site-of-notorious-tent-city-in-south-texas/>

⁸ See NBC News, “‘Like sitting ducks’: Amid coronavirus, families, attorneys sound alarm over ICE detainees,” March 29, 2020, available at:

<https://www.nbcnews.com/news/latino/sitting-ducks-amid-coronavirus-families-attorneys-sound-alarm-over-ice-n1169656>; See ABC News, “ICE detainees in facilities with coronavirus cases ordered released by judge,” March 26,

2020, available at:

<https://abcnews.go.com/US/ice-detainees-ordered-released-coronavirus-concerns/story?id=69828254>

*at high risk of serious illness, including those on hunger strike.*⁹ According to the CDC, the high risk category includes people 60 and older, those with underlying health conditions including heart disease, lung disease, or diabetes, people who have weakened immune systems, and people who are pregnant.¹⁰

In the interim, we also demand that ICE take the following measures to ensure the safety and well being of the entire community:

- **Suspension of all transfers of individuals to and from ICE facilities in the Rio Grande Valley:** Transfers increase the risk of spreading COVID-19.
- **Provision of hygiene supplies:** The most basic aspect of infection control is hygiene. All people in your custody should have ready access to warm water and adequate hygiene supplies, both for handwashing and for cleaning, free of charge.
- **Screening, testing of the people in your custody:** Screening and testing are also crucial to mitigating the impacts of this outbreak. ICE facilities must screen and test those in custody, using the best tools and methods available.
- **Off-site quarantining and treatment of the people in your custody:** In the event that a person in ICE custody does test positive for the virus, ICE should use their discretion to release that individual to prevent the spread of the virus and ensure proper care. At minimum, anyone who tests positive should be quarantined and treated *at a hospital*, not in ICE detention.
- **Access to family and community support:** People in ICE custody must have access to their families and advocates during this time. All phone calls made by those who are incarcerated to their family members and loved ones should be free.
- **Suspension of in-person check ins:** In order to contain the spread of the virus, ICE should also minimize in-person contact with individuals who have been released from custody. In-person check-ins and meetings should be suspended until the virus is contained.
- **Suspension of local enforcement operations:** Lastly, ICE should halt all enforcement operations in the Rio Grande Valley. This would limit the number of people at high risk for infection in ICE facilities.

Other sites of confinement, like municipal jails and immigration detention facilities in the UK and Spain, have already begun releasing individuals to prevent illness and death.¹¹ We demand

⁹ See 8 C.F.R. 212.5(b)(1)-(2) (providing for the release of people with “serious medical conditions in which continued detention would not be appropriate” and pregnant women).

¹⁰ Centers for Disease Control and Prevention, *Coronavirus Disease 2019 (COVID-19), People at Higher Risk and Special Populations*, Mar. 7, 2020, available at: <https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/index.html>.

¹¹ See El Salto, “Liberadas del CIE de Aluche las primeras personas inexpulsables,” March 19, 2020, available at: <https://www.elsaltodiario.com/coronavirus/interior-liberara-de-los-cie-a-las-personas-inexpulsables>; The Guardian, “Home Office releases 300 from detention centres amid Covid-19 pandemic,” March 21, 2020, available at:

you take similar measures and release individuals detained at the Port Isabel Service Processing Center and the El Valle Detention Facility. Given the urgency of this matter, **we request a response within 48 hours**. We look forward to your timely response.

Sincerely,

Rio Grande Valley Equal Voice Network
La Unión Del Pueblo Entero
Angry Tias and Abuelas of the Rio Grande Valley
National Latina Institute for Reproductive Justice

<https://www.theguardian.com/uk-news/2020/mar/21/home-office-releases-300-from-detention-centres-amid-covid-19-pandemic>; Fox 59, “Ohio jail releases hundreds of inmates due to concern of coronavirus spread,” March 16, 2020, available at:
<https://fox59.com/news/ohio-jail-releases-hundreds-of-inmates-due-to-concern-of-coronavirus-spread/>