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March 24, 2020

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Re: COVID-19 and Continued Use of Detention by Immigration and Customs Enforcement (ICE) on Orange County Residents

Dear Congressperson:

The undersigned, Orange County Justice Fund and over 50 community organizations and leaders, write to bring to your attention the continued detention of Orange County residents by Immigration and Customs Enforcement (ICE) under the threat of the COVID-19 pandemic. We respectfully request that your office seek the release of ICE detainees through an exercise of parole under 8 U.S.C. § 1226(a)(2)(B). *See also* 8 C.F.R. § 212.5(b)(1)–(2). Congressman Lou Correa has [already made this request](#) and we ask you to work with him and other members of the Orange County congressional delegation to immediately release all persons in ICE detention, including Orange County residents, endangered by the pandemic.

Through our work, we have learned of multiple cases of Orange County residents or people with strong Orange County ties -- including parents of small children, medically vulnerable people, individuals fleeing persecution, and young adults -- who have spent months at the Adelanto, Otay Mesa and Mesa Verde facilities. In the past year, the Orange County Justice Fund's Immigrant Bond Fund has provided funds to secure the release of residents from a host of Orange County cities, including Anaheim, Costa Mesa, Fullerton, Santa Ana, Lake Forest, and our deportation defense program has encountered dozens of Orange County residents at the Adelanto facility. The people we have worked with have routinely shared stories of medical mistreatment, psychological trauma, economic loss, and deep pain rippling throughout their families and communities as a result of their detention. The threat of the pandemic only heightens the harm being done to Orange County families and communities by these detentions.

More people have died in ICE custody in the first months of 2020 than during all of 2019. The lack of adequate medical care and sanitation in ICE facilities [is well-documented](#). Given ICE's [demonstrated inability to deal with past infectious disease outbreaks](#) and the limited availability of medical testing and safety equipment, COVID-19 has the potential to dramatically increase the number of deaths in detention. Clean water and soap -- widely promoted by global and national health authorities as a critical tool in preventing the spread of COVID-19 -- [are not guaranteed in ICE detention](#). Indeed, [medical](#) and [legal](#) experts agree that the continued use of detention by ICE presents an acute public health and humanitarian crisis. And just yesterday, a panel of the Ninth Circuit Court of Appeals acknowledged the "rapidly escalating public health crisis, which public health authorities predict will especially impact immigration detention centers," and on its own ordered the immediate release of a litigant from ICE detention. *Xochihua-James v. Barr*, No. 18-71460 (9th Cir. Mar. 23, 2020).

To compound the situation, we understand from detainees at the Adelanto facility that the facility may have already put a partial quarantine into place. Immigrants have lost the ability to contest their detention. Last week, we learned that two individuals had their bond hearings cancelled because the immigration judge did not appear at the court in Adelanto. Outbreaks in prisons and detention centers have [a direct negative impact on the spread of infectious diseases in the general population](#). U.S. citizens and policymakers are faced with a choice. We can have a significant positive impact on public health and can minimize the number of casualties in ICE detention facilities, if we act now. Providing additional funds to ICE, [as](#)

[requested by the Trump Administration](#), will only exacerbate the public health risk.

There is no public safety or other justification for mass incarceration. The cost of detaining immigrants is high -- [approximately \\$150 per day per detainee in private prison facilities](#) such as Adelanto. Alternatives to detention [are far more cost-effective](#) and more humane and the current public health crisis demands decisive and immediate action. Indeed, ICE has the power under the existing immigration laws to release people without an immigration court hearing, pursuant to its power to grant parole or release on recognizance. See 8 U.S.C. § 1226(a)(2)(B); 8 C.F.R. § 212.5(b)(1)–(2). You, in turn, have the power to bring ICE’s discretionary authority to the attention of the public and to fight to protect public health.

We urge you to call a public hearing in the relevant congressional committee to investigate and to secure a commitment from ICE that it will exercise its discretion to safeguard public health. In addition, we request that you use your oversight and budgetary power to see that DHS Secretary Chad Wolf, ICE Acting Director Matthew Albence, and all ICE field office directors, release all persons currently in ICE detention, including Orange County residents.

We would welcome an opportunity to discuss the contents of this letter and our concerns with you through a direct meeting.

Yours truly,

Orange County Justice Fund

With

ACLU Foundation of Southern California
Arab American Civic Council
Asian Americans In Action
Asian Americans Rising
Chispa
Clergy & Laity United for Economic Justice
Council on American Islamic Relations-Los Angeles
Democrats of Greater Irvine
Freedom for Immigrants
Friends of Orange County Detainees
Haitian Bridge Alliance
Home for Refugees USA
Housing is a Human Right Orange County
LGBTQ Center of OC
Immigrant Defenders Law Center
Indivisible OC 45
Indivisible OC 49
Irvine United Congregational Church Advocates for Peace & Justice
Jewish Justice Advocates of Temple Beth El of South Orange County
Koreatown Immigrant Workers Alliance
Long Beach Immigrant Rights Coalition
National Day Laborer Organizing Network
National Education Association, California Teachers Association
Oak View ComUNIDAD
OC Emergency Response Coalition
Occupy Everything
Orange County Alliance for Just Change
Orange County Equality Coalition
Orange County Hispanic Bar Association
Orange County Jewish Coalition for Refugees
Orange County Poverty Alleviation Coalition

Orange County Racial Justice Collaborative
Orange County Rapid Response Network
People's Homeless Task Force OC
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**For identification purposes only*