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April 20, 2020

Congressperson Salud Carbajal
U.S. Senator Dianne Feinstein
U.S. Senator Kamala Harris

**Re: COVID-19 and the Continued Detention of Individuals
by Immigration and Customs Enforcement (ICE)**

Dear Representative Carbajal and Senators Feinstein and Harris:

The undersigned, SB County Immigrant Legal Defense Center along with several other community organizations and leaders, write to voice our concern about the continued detention of our immigrant neighbors in the Adelanto immigration prison in spite of the imminent spread of the coronavirus disease 2019 (COVID-19). We respectfully write to request that your office seek the release of all individuals and families who are currently in immigration detention through the discretionary authority of parole under 8 U.S.C. § 1226(a)(2)(B). *See also* 8 C.F.R. § 212.5(b)(1)—(2). The Department of Homeland Security has the power to parole an immigrant for urgent humanitarian reasons or significant public benefit, and the rapid global outbreak of COVID-19 is such a circumstance. Representative Alan Lowenthal has [sent a letter to ICE Deputy Director Matthew Albence](#) urging the immediate release of at-risk individuals held at U.S. Immigration and Customs Enforcement (ICE) detention and family detention facilities. 35 members of Congress have co-signed this letter, we ask you to please join with them. We also urge you to seek the immediate closure of all immigration courts in LA County which remain open for filings and detained hearings, and the postponement of all ICE check-ins in Santa Maria and Camarillo, endangering the lives of our immigrant neighbors, volunteer drivers, and immigration attorneys.

It has been long reported that the medical services in ICE detention facilities fall short of a basic standard of care. In the event of a COVID-19 outbreak, the Adelanto immigration prison will not be able to manage the health needs of thousands of individuals and families detained. People in detention are housed in close proximity and are particularly susceptible to infectious diseases and illnesses contracted by air and touch. It is impossible for these vulnerable individuals to engage in the social distancing and hygiene necessary to prevent and manage COVID-19. Two medical doctors who are medical experts for the Department of Homeland Security [have already sent a letter to Congress](#) warning them of the grave consequences COVID-19 poses to detainees, calling ICE family detention “a willful policy that knowingly inflicts serious harm to children, including risk of death.”

The vast majority of people in immigration prisons [are being detained unnecessarily](#). They are being held for administrative action—yet they have completely lost their liberty. DHS has options to release people from detention: on bond, humanitarian parole, or an alternative-to-detention program. Now more than ever DHS should exercise their power to release people on medical grounds.

ICE must immediately start reducing the number of people in detention, starting with the most vulnerable, to prevent the continued spread of COVID-19 to both people in immigration prisons, and the staff who work in them. Former ICE chief, John Sandweg, urged ICE to use its options, warning that an outbreak “will spread like wildfire.” Many people in ICE jails and prisons have family or sponsors in the U.S., with whom they could live and, if necessary, quarantine safely.

Despite the postponement of non-detained hearings in LA County immigration courts, [they still remain open](#) for detained hearings and filings. Given the vulnerability of detainees, immigration judges, staff, and attorneys, the EOIR should temporarily order the full closure of all immigration courts to minimize the spread of the virus. The EOIR should permit detained immigrants to immediately receive telephonic bond hearings with teleworking judges and allow supporting documents to be electronically submitted. However, when possible, ICE should grant parole to avoid unnecessary hearings. In allowing courts to remain open for filing, it is requiring attorneys to meet with their clients and staff to meet filing deadlines, forcing these people to risk their own lives and that of their families to comply with EOIR orders. Additionally, ICE must discontinue required check-ins for the time being. Immigrants fear deportation if they fail to appear for check-ins. The lives of our immigrant neighbors, and that of many of our community leaders and volunteers who continue to drive individuals and families to their ICE check-ins are at risk.

Failing to take action now will exacerbate the spread of the COVID-19, threatening the lives of our immigrant neighbors and our community at large. Fortunately, ICE has broad authority to release people in its custody under the existing immigration laws without an immigration court hearing, pursuant to its power to grant parole. You have the power to bring ICE’s discretionary power to the attention of the public and to fight to protect public health. Detention of immigrants is not only costly but unnecessary, we urge you to 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 residents in the Tri-County Area.

Thank you in advance for taking swift action to protect public health by supporting the immediate release of those in immigrant detention facilities, stopping needless court appearances/filings and delaying required ICE check-ins until the COVID-19 public health crisis has passed.

Yours truly,

SB County Immigrant Legal Defense Center

With

Allies for Immigration Justice, SLO County
Allies for Immigration Justice, Santa Maria Valley
Bend the Arc San Luis Obispo

Central Coast Alliance United for A Sustainable Economy (CAUSE)
 CLUE Santa Barbara
 DRIVERS LISTOS
 El Concilio Family Services
 Future Leaders of America (FLA)
 Immigrant Hope Santa Barbara
 IMPORTA
 Indivisible Santa Barbara
 Just Communities Santa Barbara
 Mixteco Indigena Community Organizing Project (MICOP)
 Santa Maria Councilwoman Gloria Soto
 SB ACT
 The Fund for Santa Barbara
 Unitarian Society of Santa Barbara
 Way Collective/ First Christian Church SB
 805 Immigrant, Central Coast Immigrant Rights Coalition

