



March 12, 2020

**Via Email**

Rebecca Adducci, Field Office Director  
James Jacobs, Assistant Field Office Director  
U.S. Immigration and Customs Enforcement, Detroit Field Office  
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**Re: Request to release vulnerable detainees and halt further detention in light of COVID-19**

Dear Director Adducci and Assistant Director Jacobs:

On behalf of the [Michigan Coalition for Immigrant and Refugee Rights](#) (MCIRR), in light of the current public health emergency caused by COVID-19 (“coronavirus”), we are writing to urge ICE to immediately stop detaining individuals in Michigan, implement use of Alternatives to Detention (“ATD”) and Release on Recognizance (“ROR”), and act quickly to release particularly vulnerable individuals in detention, on their own recognizance. MCIRR was founded in 1987 and is a membership organization of approximately seventy nonprofit groups that serve immigrants and refugees throughout our state.

Detention facilities present a particularly high risk environment for the spread of a contagious illness, and for that illness to come back out into the community.<sup>1</sup> According to the Centers for Disease Control and Prevention (“CDC”), the coronavirus is spreading “easily and sustainably” in the community.<sup>2</sup> To date, the CDC has documented approximately 938 reported cases and 29 reported deaths in the United States<sup>3</sup> and in Michigan, there are 150 cases of COVID-19 under active monitoring, with two confirmed cases.<sup>4</sup> In an effort to slow the spread, Governor Whitmer has declared a state of emergency.<sup>5</sup>

People who are detained and work in detention facilities live and work in close proximity, in spaces that lack adequate ventilation and space for medical isolation. People sleep, eat, and recreate in close quarters. Staff regularly interact with detainees and come and go from these facilities. All of these factors increase

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<sup>1</sup> ACLU, *Are Our Prisons and Jails Ready for COVID-19?*, [www.aclu.org/news/prisoners-rights/are-our-prisons-and-jails-ready-for-covid-19/](http://www.aclu.org/news/prisoners-rights/are-our-prisons-and-jails-ready-for-covid-19/).

<sup>2</sup> CDC, *How COVID-19 Spreads*, [www.cdc.gov/coronavirus/2019-ncov/about/transmission.html](http://www.cdc.gov/coronavirus/2019-ncov/about/transmission.html), March 12, 2020

<sup>3</sup> CDC, *Coronavirus Disease 2019 (COVID-19)*. Updated March 11, 2020. [www.cdc.gov/coronavirus/2019-ncov/cases-in-us.html#2019coronavirus-summary](http://www.cdc.gov/coronavirus/2019-ncov/cases-in-us.html#2019coronavirus-summary)

<sup>4</sup> State of Michigan, *Coronavirus: Michigan Data* [www.michigan.gov/coronavirus/](http://www.michigan.gov/coronavirus/) viewed March 12, 2020; The Hill, *Michigan reports first two coronavirus cases*, March 10, 2020. [thehill.com/policy/healthcare/486953-michigan-reports-first-two-coronavirus-cases-report](http://thehill.com/policy/healthcare/486953-michigan-reports-first-two-coronavirus-cases-report)

<sup>5</sup> *Id.*

the risk for airborne infections<sup>6</sup> particularly for the coronavirus which is transmitted “between people who are in close contact with one another (within about 6 feet),” including through “coughs or sneezes.”<sup>7</sup>

The coronavirus has spread to nearly every region of the world and urgent measures must be taken to protect people who are particularly vulnerable to illness, in alignment with the ERO Detention Standards Compliance Unit, to ensure that all detainees in ICE custody reside in safe, secure and humane environments and under appropriate conditions of confinement.<sup>8</sup> The recognized standards include those from the CDC.<sup>9</sup> In light of these concerns, we urge ICE to take the following actions.

First, it is especially urgent that detained older adults, pregnant women, and those with underlying medical conditions be released as soon as possible. The risk of developing a serious coronavirus-related illness is especially high for older people, pregnant women, and those with underlying health conditions such as heart disease, lung disease, and diabetes.<sup>10</sup> Medical professionals supported by the CDC, are recommending that measures other than detention, including ROR be considered.<sup>11</sup>

Second, we urge ICE to suspend further detention and use ATD programs and ROR. The purpose of detention, to ensure appearance at immigration court hearings, can and has been accomplished through ROR and by placing individuals in ATD programs including home visits, office visits, alert response, court tracking and other technologies.<sup>12</sup> Furthermore, ICE has repeatedly indicated that your agency lacks bed space in Michigan for your highest priority detainees. Holding detainees who could be released in spaces that are likely to soon come under quarantine doesn't make operational or humanitarian sense.

In light of the serious health threats COVID-19 poses, there is no justification for failing to use ATD and ROR. Please consider the impact on health for detainees and people who work in detention facilities. Thank you for your agency's consideration.

Sincerely,

/s/Evangelina Alvarez

Evangelina Alvarez  
MCIRR Steering Committee Secretary

Cc: Michigan's Federal Congressional Delegation

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<sup>6</sup> Dr. Anne C. Spaulding, MD MPH, *Coronavirus COVID-19 and the Correctional Facility: for the Correctional Healthcare Worker* 17, Mar. 9, 2020, [www.ncchc.org/filebin/news/COVID\\_for\\_CF\\_HCW\\_3.9.20.pdf](http://www.ncchc.org/filebin/news/COVID_for_CF_HCW_3.9.20.pdf).

<sup>7</sup> The CDC also states it's possible COVID-19 could be transmitted through touching “contaminated surfaces or objects.” Centers for Disease Control and Prevention, *How COVID-19 Spreads*. [www.cdc.gov/coronavirus/2019-ncov/about/transmission.html](http://www.cdc.gov/coronavirus/2019-ncov/about/transmission.html), viewed March 12, 2020

<sup>8</sup> U.S. Immigration and Customs Enforcement, *Detention Management*, [www.ice.gov/detention-management](http://www.ice.gov/detention-management)

<sup>9</sup> National Detention Standards, *Environmental Health and Safety* at 6 [www.ice.gov/doclib/detention-standards/2019/1\\_1.pdf](http://www.ice.gov/doclib/detention-standards/2019/1_1.pdf)

<sup>10</sup> CDC, *Higher Risk & Special Populations*, [www.cdc.gov/coronavirus/2019-ncov/specific-groups/index.html](http://www.cdc.gov/coronavirus/2019-ncov/specific-groups/index.html).

<sup>11</sup> Dr. Anne C. Spaulding, MD MPH, *Coronavirus COVID-19 and the Correctional Facility: for the Correctional Healthcare Worker* 14-15, Mar. 9, 2020, [www.ncchc.org/filebin/news/COVID\\_for\\_CF\\_HCW\\_3.9.20.pdf](http://www.ncchc.org/filebin/news/COVID_for_CF_HCW_3.9.20.pdf).

<sup>12</sup> ICE's Budget Overview notes that “[h]istorically, ICE has seen strong alien cooperation with ATD requirements during the adjudication of immigration proceedings.” Department of Homeland Security, *U.S. Immigration and Customs Enforcement Budget Overview Fiscal Year 2019*, [www.dhs.gov/sites/default/files/publications/U.S.%20Immigration%20and%20Customs%20Enforcement.pdf](http://www.dhs.gov/sites/default/files/publications/U.S.%20Immigration%20and%20Customs%20Enforcement.pdf).