



April 2, 2020

SENT VIA ELECTRONIC SUBMISSION

Robert Resendes
 Public Health Director
 El Paso (TX) City-County Health
 Department

Hector Ocaranza
 Public Health Authority
 El Paso (TX) City-County Health
 Department

Jacob Cintron
 Chief Executive Officer
 University Medical Center

Jamie Michael
 Director
 Health and Human Services Department,
 Dona Ana County (NM)

Amber Mayhall
 Healthcare Services Director
 Healthcare Services Department, Otero
 County (NM)

Dear Mr. Resendez, Mr. Ocaranza, Mr. Cintron, Ms. Mayhall, and Ms. Michael,

On behalf of the undersigned organizations, we write to ask for your support in facilitating the orderly and coordinated release of detained migrants from Immigration and Customs Enforcement (ICE) custody at the El Paso Processing Center¹ (EPPC) and Otero County Processing Center² (Otero), and from Customs and Border Protection (CBP) custody at El Paso

¹ 8915 Montana Ave., El Paso, TX 79925
² 26 McGregor Range Rd, Chaparral, NM 88081

Border Patrol Station 1³ (Station 1) as well as other CBP facilities in the El Paso Border Patrol Sector.

Given that ICE and CBP jurisdictions cross state lines, we must prepare a response that accounts for our entire region. In light of the ongoing COVID-19 pandemic and the public health orders issued to date, we want to resolve this issue in a way that is sensitive to public health best practices and that keeps our community as safe as possible. **We must work in an engaged and coordinated manner--with ICE and CBP at the table--to release those held in detention, secure the orderly release of these persons, and uphold public health.**

We are reaching out to you now seeking coordination and support because we have not received meaningful community engagement, coordination, and transparency from CBP or ICE. *Their apparent decision to continue mass detention puts everyone in our El Paso-Las Cruces-Alamogordo region at risk, threatening to overwhelm our local healthcare capacity.* Moreover, their refusal to communicate their status, plans, and protocols⁴ for dealing with COVID-19 inside detention centers means the rest of us must operate in the dark as we make critical decisions about how to keep this community safe. We ask that you take these four steps:

- 1) Contact ICE and CBP leadership and request the immediate and orderly release of the detained population in EPPC, Otero, and in CBP facilities in the El Paso sector;
- 2) Obtain a detailed explanation from ICE and CBP of the steps they are taking to protect our community;
- 3) Offer your expert advice on necessary steps to preserve the public health of detainees, facility staff, and the larger community as an orderly release occurs; and
- 4) As an immediate measure, we urge your agencies to send health inspectors to EPPC, Otero, and Station 1 to monitor conditions and report on COVID-19 response plan implementation.

We are particularly concerned because leaked Department of Homeland Security (DHS) documents suggest that ICE and CBP are planning to quarantine detainees rather than release them⁵-- a decision that exponentially increases risk to both immigrants and ICE staff and contractors alike. The DHS document suggests CBP in the El Paso Sector is "strategizing" with stakeholders to convert Station 1 into a quarantine center.⁶

Quarantine over release is the wrong protocol to use in response to a crisis like COVID-19. Doctors in *Fraihat v. ICE*⁷ raise concerns that the ICE Health Services Corps "cannot properly

³ 9201 Gateway South Blvd., El Paso, TX 79924

⁴ "I was just told by @CBP that they will not provide data or any information about COVID-19 cases among detainees or officers." @BobMooreNews on Twitter, 04/01/2020, twitter.com/bobmoorenews/status/1245355631701344256?s=21

⁵ "Exclusive: ICE Detainees are Being Quarantined", 03/24/2020, <https://www.thenation.com/article/society/corona-covid-immigration-detention/>

⁶ *Id.*

⁷ Dr. Carlos Franco-Paredes Declaration for *Fraihat v ICE*, 03/24/2020, <https://www.splcenter.org/sites/default/files/documents/declarations.pdf> (Additional detailed concerns can be found in the Declaration of Homer Venters at the same web address.)

accommodate the needs of patients should there be an outbreak of COVID-19 in an immigration detention facility” and that such an outbreak “would put a tremendous strain on the medical system to the detriment of patients in communities surrounding these centers. It is reasonable to anticipate that there will be the loss of additional lives that could have otherwise been saved.”

All of this comes despite the fact that ICE has confirmed cases of COVID-19 both amongst staff⁸ and detainees⁹ elsewhere in the country. At the same time, neither ICE nor CBP are communicating whether individuals in their custody are sick nor are they articulating their plans or protocols to combat the spread of COVID-19. CBP has even stated they do not plan to inform the public about cases of the virus in their facilities or among their staff.

The El Paso ICE Field Office and local CBP sector lack the capacity and expertise to keep detained migrants and the larger community safe during this COVID-19 pandemic.

It’s important to our organizations that we safeguard both our clients and members of our community who work at EPPC, Otero, and Station 1 (including immigration judges, attorneys, guards, medical staff, Border Patrol agents, and others). For years, we have been advocating for better medical treatment of migrants detained at these facilities and elsewhere in ICE and CBP custody. We note troubling patterns of mismanagement and mistreatment all across the country:

- Litigation filed by the Southern Poverty Law Center (*Fraihat v. ICE*) alleges ICE has yet to provide soap, hand sanitizer, masks, or gloves inside detention centers nor has it increased medical staffing, implemented social distancing, or identified particularly vulnerable individuals.¹⁰
- On March 17, 2020, four days after COVID-19 was first confirmed in El Paso, a Las Americas staff member was told by a guard at EPPC that the facility had not received any special training on COVID-19 protocols or on how to keep themselves or detained individuals safe during an outbreak. The guard then said “if it happens, it happens.”¹¹
- Other community organizations have repeatedly documented ICE medical staff failing to respond adequately to detainee health needs at EPPC. A 2016 report describes “typical treatment from the facility’s medical using as the ‘salt and water method’ (i.e. advice to drink salted water) or dispensing of ibuprofen for all classes of pain or illness.”¹²

⁸ “First ICE Employee Tests Positive for Coronavirus”, 03/19/2020, <https://www.themarshallproject.org/2020/03/19/first-ice-employee-tests-positive-for-coronavirus>

⁹ “An ICE Detainee Has Become the First to Test Positive for the Coronavirus”, 03/24/2020, <https://www.buzzfeednews.com/article/hamedaleaziz/immigrant-ice-detention-facility-coronavirus-test>

¹⁰ “SPLC and allies seek federal court injunction in system-wide suit to protect people detained by ICE from contracting COVID-19”, 03/25/2020, <https://www.splcenter.org/news/2020/03/25/splc-and-allies-seek-federal-court-injunction-system-wide-suit-protect-people-detained-ice>

¹¹ Linda Corchado declaration for *Fraihat v. ICE*, 03/24/2020, <https://www.splcenter.org/sites/default/files/documents/declarations.pdf>

¹² “I was treated like a dog instead of a human being”: Degradation, negligence, and abuse in ICE’s El Paso Processing Center, 11/2016, https://docs.wixstatic.com/ugd/cd161d_d3613011a196457683b68c2c848eb57b.pdf

- Similar problems have been documented¹³ with both the provision of medical care at Otero, including repeated complaints about delays in receiving medical care, and the inadequacy of medical care when provided, as well as a lack of adequate access to personal hygiene supplies such as soap--which would even be withheld from detainees as a form of punishment.
- Federal Department of Homeland Security (DHS) contracted doctors have already begun to flag ICE detention centers as problems, writing to Congress that these detention centers are “a tinderbox scenario” for the spread of COVID-19 that poses “an imminent risk to the health and safety of immigrant detainees and to the general public.”¹⁴
- ICE has a poor history of handling infectious disease in its facilities and among people in its custody that present serious risks to the broader American public.¹⁵

Likewise, CBP continues to fail to provide safe conditions at Station 1 or take even the most basic steps to protect detained migrants or the community against the spread of COVID-19, including failure to provide adequate soap. Just days ago, the ACLU of Texas, the ACLU Border Rights Center, and Las Americas Immigrant Advocacy Center filed a complaint with the DHS Office of Inspector General. The complaint details the agency’s failure to provide social distancing between persons, even when exhibiting flu-like symptoms, the denial of access to hand sanitizer and adequate soap, and failure to provide information about COVID-19 to detained persons. We have attached that complaint here.

These documented problems, combined with the utter inability of migrants in these facilities to practice social distancing, means that should COVID-19 enter the facility, a COVID-19 outbreak would likely be unavoidable, large, and needlessly lethal, all while risking undue strain on our region’s medical infrastructure. Moreover, such an outbreak would simultaneously put all of those other members of our community, and their families, at risk as well. While we often find ourselves in an adversarial position with DHS, ICE and CBP, the fact is that we are all members of this community and our prerogative is to keep our clients *and* our community safe.

By facilitating the orderly, coordinated release of migrants from EPPC, Otero, and Station 1, we can minimize the chance of a mass COVID-19 outbreak and the resultant risks to the larger El Paso-Las Cruces-Alamogordo region. To do so we must ensure that ongoing local and regional public health efforts provide for an orderly, coordinated release of detained migrants from CBP and ICE custody to community care, and then onward to shelter with family elsewhere.

¹³ “Why Doesn’t Anyone Investigate This Place?”, 07/2018, <https://static1.squarespace.com/static/5a33042eb078691c386e7bce/t/5b4c2f0b88251b376ed2d8fb/1531719451809/Otero+Report+Final.pdf>

¹⁴ “Doctors warn of ‘tinderbox scenario’ if coronavirus spread in ICE detention”, 03/20/2020, www.cnn.com/2020/03/20/health/doctors-ice-detention-coronavirus/index.html

¹⁵ “ICE Has Repeatedly Failed to Contain Contagious Diseases, Our Analysis Shows”, 03/20/2020, <https://www.propublica.org/article/ice-has-repeatedly-failed-to-contain-contagious-diseases-our-analysis-shows-its-a-danger-to-the-public>

Community partners like Ruben Garcia, the Executive Director of Annunciation House, are critical during this time. He is following best practices to ensure that any released migrants, shelter staff/volunteers, and the broader community are safe during the course of the COVID-19 outbreak. Annunciation House is equipped with a supply of surgical masks, a limited supply of N-95 masks for staff, hygiene materials, including gloves, hand sanitizer, and soap/hand washing, and thermometers for refugees. Additionally, COVID-19 protocols in the hospitality centers operated by Annunciation House include initial screenings upon arrival, twice per day temperature readings of all migrants and staff, isolation and quarantine capability on an as needed basis, and access to medical personnel. Orderly and coordinated release of migrants to reduce the detained population is absolutely necessary and Annunciation House is ready and prepared to receive released migrants.

CBP and ICE must come to the table to discuss these concerns, and we need your help getting them to do so. We must call on CBP and ICE to disclose their preparations and plans for dealing with COVID-19 and be transparent about the state of their facilities. We must call on CBP and ICE to seek consultation from local public health authorities. And we must call on CBP and ICE to release detainees in coordination with the community. This combination of transparency and engagement leading to orderly, coordinated release of detained migrants, is critical to flattening the curve and protecting our community during this crisis.

We would be happy to have a further conversation via teleconference with you and your colleagues about this matter. Please do not hesitate to contact Linda Corchado at 915-283-4706 or lindacorchado@las-americas.org.

We want to be active and constructive partners in this moment to ensure the health and well-being of our clients, our immigrant brothers and sisters, and everyone in this El Paso-Las Cruces-Alamogordo community.

Thank you,

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Las Americas Immigrant Advocacy Center

Linda Rivas
Executive Director
Las Americas Immigrant Advocacy Center

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[CC: Office of El Paso City Representative Peter Svartzbein, Office of El Paso City Representative Alexandra Anello, Office of El Paso County Commissioner David Stout, Office of Congresswoman Veronica Escobar, Office of Otero County Commission Chairman Lori Bies, Office of Dona Ana County Commission Chair Lynn Ellins, Office of Las Cruces City Councilor Johana Bencomo, Office of Las Cruces City Councilor Gabriel Vasquez, Office of Senator Tom Udall, Office of Senator Martin Heinrich, Office of TX State Senator Jose Rodriguez, ICE Field Director Corey Price, Border Patrol Sector Chief Gloria Chavez, Office of Field Operations Port Director Hector Mancha]