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March 17, 2020

The Honorable Chad F. Wolf
Acting Secretary
Department of Homeland Security
2801 Nebraska Avenue, N.W.
Washington, D.C. 20528

Dear Acting Secretary Wolf,

I write to urge you to immediately halt needless deportations and release from detention all immigrants who pose no public safety threat.

We are in the midst of a global pandemic. To date, COVID-19 has infected at least 185,067 people worldwide, with at least 4,661 known cases within the United States.[1] The pace of infection has rapidly increased; more than 1,100 of the confirmed diagnoses have been announced over the past few days.[2] We need to take immediate action to stem the spread of, and exposure to, this disease.

The pursuit of deportations and mass detention during this outbreak is antithetical to President Trump's pledge to "combat and ultimately defeat the coronavirus."[3] Deportations pose a serious risk for the spread of COVID-19, particularly given that time in detention and grueling travel may weaken immune defenses and exacerbate the risk of infection. Accelerating the spread of this disease is not in our national interest. It is our responsibility to halt measures and policies that jeopardize our global health and prolong this crisis. Accordingly, needless deportations must stop.

It is also critical that we act now to address the "[public health] disaster waiting to happen" in our immigration detention facilities.[4] As of March 7, 2020, Immigration and Customs Enforcement reported an average daily population of 38,559 detainees.[5] Detainees often reside

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[1] Washington Post Staff, *Mapping the spread of coronavirus in the U.S. and worldwide,* Wash. Post (Mar. 17, 2020), https://www.washingtonpost.com/world/2020/01/22/mapping-spread-new-coronavirus/?arc404=true.

[2] Mitch Smith et al., *Tracking Every Coronavirus Case in the U.S.: Full Map,* N.Y. Times (Mar. 16, 2020), nytimes.com/interactive/2020/us/coronavirus-us-cases.html.

[3] Press Release, White House, *Remarks By President Trump, Vice President Pence, and Members of the Coronavirus Task Force in Press Conference* (Mar. 13, 2020).

[4] Noah Lanard, ICE Is Ignoring a Simple Way to Slow the Spread of Coronavirus: Let People Out of Detention, Mother Jones (Mar. 13, 2020), https://www.motherjones.com/politics/2020/03/ice-is-ignoring-a-simple-way-to-slow-the-spread-of-coronavirus-let-people-out-of-detention/.

[5] Detention Management, ICE Average Daily Population, (Mar. 16, 2020), https://www.ice.gov/detention-management.

together in crowded rooms — conditions that are ripe for a mass outbreak. During my previous visits to detention centers, I witnessed firsthand the cramped living conditions and close contact of detainees. This situation is especially perilous given ICE's history of medical neglect and substandard care. It is difficult to have confidence that ICE will be able to adequately protect and care for the individuals in its custody.

Except in limited circumstances, the Department of Homeland Security (DHS) has the authority to release noncitizens from detention while they await immigration court proceedings. In lieu of mass detention, previous administrations employed a wide range of Alternatives to Detention (ATD) mechanisms to ensure compliance with immigration court proceedings while still allowing for the conditional release of immigrants. But under the Trump administration, DHS has failed to fully utilize ATD programs, and has instead fought to hold immigrants in detention indefinitely.[6] I urge you now to reverse course on this harmful decision and immediately begin releasing eligible individuals on ATD programs or on their own recognizance — before this infection spreads to detention facilities.

Indeed, rather than perpetuating immigration policies that may exacerbate this crisis, DHS should be directing its resources to the agency's newly adopted containment measures, such as enhanced health screening at airports. Just this past weekend, many travelers returning from Europe faced hours of delays while waiting for U.S. Customs and Border Protections to conduct its screening measures.[7] Our public health would be better served by DHS providing a whole-of-agency response to support those officials implementing these procedures on the ground.

Our nation is at a critical inflection point. The decisions we make today will determine the trajectory of this pandemic. It seems that even President Trump now recognizes that reality. At the Coronavirus Task Force press conference last Friday, President Trump asserted that "[t]he choice we make, the precautions we put into place, are critical to overcoming the virus, reducing its spread and shortening the duration of the pandemic."[8] I implore you to make the sound choice — and the moral choice — and halt deportations and detention for those who pose no public safety threat.

Sincerely,

Edward J. Markey
United States Senator

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[6] Adam Liptak, *No Bail Hearings for Detained Immigrants, Supreme Court Rules,* N.Y. Times (Feb. 27, 2018), https://www.nytimes.com/2018/02/27/us/politics/no-bail-hearings-for-detained-immigrants-justices-rule.html.
[7] Derek Hawkins et al., *Coronavirus screening causes massive bottlenecks at O'Hare and other U.S. airports,* Wash. Post (Mar. 15, 2020), https://www.washingtonpost.com/transportation/2020/03/14/europe-travel-ban-airport-delays.
[8] Press Release, White House, *Remarks By President Trump, Vice President Pence, and Members of the Coronavirus Task Force in Press Conference* (Mar. 13, 2020).