



Chad Wolf
Acting Secretary
Department of Homeland Security
3801 Nebraska Avenue, NW
Washington, DC 20395

May 6, 2020

Dear Acting Secretary Wolf,

On behalf of Amnesty International USA and our members and supporters in the United States, we write to urge you to immediately adopt a temporary moratorium on deportations in light of the COVID-19 pandemic.

Amnesty International is the world's largest grassroots human rights organization, comprising a global support base of millions of individual members, supporters, and activists in more than 150 countries and territories. A top priority for the U.S. section of Amnesty International for the past several years has been advocating for the rights of immigrants and asylum-seekers in the United States. Our demand that the U.S. temporarily halt deportations is rooted in our expertise in the international human rights standards governing migration and asylum and our past engagement in research, policy, and litigation in the United States and the wider region.

In spite of a deadly pandemic ravaging the globe, the United States is continuing deportations in reckless disregard of the public health consequences for immigrants, asylum-seekers, and the regional and global community. The United States currently leads in the number of COVID-19 cases worldwide, and public health experts agree that sheltering in place and social distancing remain essential to stopping the spread of the virus. Recognizing the risks posed by international travel, the U.S. Department of State has issued a global "Level 4 – Do Not Travel" warning, advising U.S. residents to avoid "all international travel due to the global impact of COVID-19."¹ Similarly, the Centers for Disease Control and Prevention (CDC) has issued its strictest warning against international travel.²

The deportation of individuals in the midst of a pandemic is particularly concerning considering that U.S. detention practices increase individuals' risk of contracting the virus. Currently, tens of thousands of immigrants and asylum-seekers are languishing in tinderbox-like conditions in Immigration and Customs Enforcement (ICE) detention facilities, where social distancing is impossible and where detained immigrants are often forced to buy soap and sanitizer at a premium.³ Currently, over 600 detained individuals have tested positive for COVID-19 – likely an undercounting, considering that only a small percentage of detainees have been tested at all.⁴

¹ U.S. Department of State, "Global Level 4 Health Advisory – Do Not Travel," Mar. 31, 2020,

<https://travel.state.gov/content/travel/en/traveladvisories/ea/travel-advisory-alert-global-level-4-health-advisory-issue.html>.

² Centers for Disease Control & Prevention, "Global COVID-19 Pandemic Notice,"

<https://wwwnc.cdc.gov/travel/notices/warning/coronavirus-global> (last accessed May 4, 2020).

³ Jack Herrera, "In ICE Detention, Forced to Pay for Soap," THE NATION, Apr. 30, 2020,

<https://www.thenation.com/article/politics/coronavirus-ice-detention-soap/>.

⁴ "Confirmed Cases: ICE Guidance on COVID-19," <https://www.ice.gov/coronavirus> (last accessed May 4, 2020).

Experts have concluded that anywhere from 70 percent to nearly 100 percent of individuals in immigration custody risk contracting COVID-19 within the next three months if detention centers are not drastically depopulated.⁵ Yet not only has ICE failed to release individuals at the rate necessary to halt this avoidable tragedy, it is now exporting conditions for contagion caused by its own negligent care.

Recognizing that transfers of detained individuals risk spreading the virus, the CDC has advised in standards governing detention facilities that they be restricted unless absolutely necessary.⁶ Yet, in contravention of these standards, the Department of Homeland Security (DHS) has transferred and deported thousands of people in its custody to their countries of origin since the onset of the pandemic.⁷ As of this writing, individuals deported to at least five different countries have tested positive for COVID-19 following deportation.⁸ Individuals deported from the United States to Guatemala reportedly made up nearly a fifth of all COVID-19 cases in that country.⁹

Many deportations are sending people to less-resourced countries whose already strained healthcare systems risk collapse as a result of the pandemic. For example, the former health minister of Guatemala estimates that the country has only about one-fourth of the health centers required to meet residents' needs, and healthcare disparities are particularly stark for Indigenous communities,¹⁰ who make up a significant proportion of asylum-seekers in the United States.¹¹ In Haiti, meanwhile, there are only 60 ventilators for a country of 11 million people, and over 60% of the country lives in poverty.¹² Return of individuals to a country where the "absence or inadequacy of health care creates threats to life or a risk of serious, rapid, and irreversible decline in health" could constitute a breach of the United States' obligations under international law.¹³

Furthermore, individuals deported from the United States have also reported stigmatization and alarming quarantine regimes that starkly violate their human rights. For example, one Guatemalan deportee who tested positive for COVID-19 after being returned from the United

⁵ Government Accountability Project, "Study Projects Significant Impact on Immigrants and Local Health Care If ICE Detention Populations Are Not Decreased," Apr. 27, 2020, <https://whistleblower.org/press/study-projects-significant-impact-on-immigrants-and-local-health-care-if-ice-detention-populations-are-not-decreased/> (citing study).

⁶ CDC, "Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities," Mar. 23, 2020, <https://www.cdc.gov/coronavirus/2019-ncov/downloads/guidance-correctional-detention.pdf>, at 9.

⁷ Jake Johnston, "Exporting COVID-19: ICE Air Conducted Deportation Flights to 11 LAC Countries, Flight Data Shows," Center for Economic & Policy Research, Apr. 27, 2020, <https://cepr.net/exporting-covid-19-ice-air-conducted-deportation-flights-to-11-lac-countries-flight-data-shows/>.

⁸ Countries with COVID-positive deportees include Guatemala, Haiti, Honduras, Mexico, Jamaica, and Colombia. Arshad Mohamed, Julia Symmes Cobb, Frank Jack Daniel, "Two Dozen People Deported to Colombia on U.S. Flight Found to Have Coronavirus," REUTERS, Apr. 29, 2020, <https://www.reuters.com/article/us-health-coronavirus-usa-colombia/two-dozen-people-deported-to-colombia-on-u-s-flight-found-to-have-coronavirus-sources-idUSKBN22B3DB>

⁹ Adolfo Flores, "Guatemalan Immigrants Are Caught Between ICE Detention and Deportation. Either Way, They Fear Getting COVID-19," BUZZFEED NEWS, Apr. 30, 2020, <https://www.buzzfeednews.com/article/adolfoflores/coronavirus-immigrants-guatemala-deported-ice-jail-covid19>.

¹⁰ Jeff Abbott, "Fears grip Guatemala's Indigenous groups as coronavirus sets in," AL-JAZEERA, Apr. 16, 2020, <https://www.aljazeera.com/news/2020/04/fears-grip-guatemala-indigenous-groups-coronavirus-sets-200416165256449.html>.

¹¹ Rachel Nolan, "A Translation Crisis at the Border," THE NEW YORKER, Dec. 30, 2019, <https://www.newyorker.com/magazine/2020/01/06/a-translation-crisis-at-the-border>.

¹² Will Grant, "We are not prepared at all!": Haiti, already impoverished, confronts a pandemic," BBC NEWS, Apr. 19, 2020, <https://www.bbc.com/news/world-latin-america-52324225>.

¹³ "Human Mobility and human Rights in the COVID-19 Pandemic: Principles of Protection for Migrants, Refugees, and Other Displaced Persons," https://zoberginstitute.org/wp-content/uploads/2020/04/Human-mobility-and-human-rights-in-the-COVID_final_1.pdf, Apr. 2020, at 7.

States described receiving threats that others wanted to “set fire” to him.¹⁴ Other individuals deported to Guatemala have described being forced to quarantine in mass facilities with inadequate medical conditions, where social distancing is an impossibility.¹⁵ In El Salvador, where hundreds of citizens are being arbitrarily detained in so-called “containment centers,” deportees reported being held in overcrowded, unsanitary facilities for lengthy periods of time.¹⁶

Shamefully, rather than addressing these public health concerns, the Trump administration has employed tactics to strong-arm regional neighbors to acquiesce to continued deportations. It has threatened visa sanctions on nationals whose countries refuse to accept deportation flights,¹⁷ and it has even awarded ventilators to countries which cooperate with its migration policy while withholding them from Guatemala, which sought to pause deportations.¹⁸

In addition to these public health considerations, we remain gravely concerned that unlawful policies curbing the right to seek asylum are powering many deportations. These include the third-country transit ban, which renders ineligible for asylum anyone who has transited through a third country; numerous attempts to rewrite the asylum definition to prevent survivors of violence from seeking safety; the forced return to Mexico policy, which places insurmountable barriers to asylum-seekers’ ability to seek legal relief; and, most recently, the invocation of purported public health authority to circumvent U.S. obligations to asylum-seekers and unaccompanied children.

Given these concerns, we urge you to immediately instate a temporary moratorium on deportations and to ensure that individuals seeking asylum and humanitarian protection are afforded access to a just asylum process as required under domestic and international law.

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Sincerely,



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¹⁴ Jeff Abbott, “Unwelcomed in US and at Home: Deported Guatemalans Face Threats,” REUTERS, Apr. 27, 2020, <https://www.aljazeera.com/news/2020/04/fears-grip-guatemala-indigenous-groups-coronavirus-sets-200416165256449.html>.

¹⁵ Sofia Menchu, “Deported from U.S., Guatemalans fear infection in mass quarantine,” REUTERS, Apr. 18, 2020, <https://www.reuters.com/article/us-health-coronavirus-guatemala/deported-from-u-s-guatemalans-fear-infection-in-mass-quarantine-idUSKBN2200WQ>.

¹⁶ Human Rights Watch, “El Salvador President Defies Supreme Court,” Apr. 17, 2020, <https://www.hrw.org/news/2020/04/17/el-salvador-president-defies-supreme-court>; “Expuestos a la tormenta en hacinamiento, insalubridad mas de un mes en cuarentena y sin pruebas de COVID-19,” LA PRENSA GRÁFICA, Apr. 27, 2020, <https://www.laprensagrafica.com/elsalvador/Expuestos-a-la-tormenta-en-hacinamiento-insalubridad-mas-de-un-mes-en-cuarentena-y-sin-pruebas-de-covid-19-20200427-0032.html>.

¹⁷ Michelle Hackman, “Trump Threatens to Deny Visas to Countries Refusing Deportees,” WALL STREET JOURNAL, Apr. 10, 2020, <https://www.wsj.com/articles/trump-threatens-to-deny-visas-to-countries-refusing-deported-citizens-11586577586>.

¹⁸ Tracy Wilkinson, “Trump’s Message to Central America: Want Ventilators? Help Us With Immigration,” L.A. TIMES, Apr. 24, 2020, <https://www.latimes.com/world-nation/story/2020-04-24/trumps-message-to-latin-america-want-ventilators-help-us-with-immigration>.