



**UPDATE TO AMNESTY INTERNATIONAL REPORT
ON COVID-19 IN US IMMIGRATION DETENTION
(31 AUGUST 2020)**

▶ **THE COVID-19 CRISIS IN THE UNITED STATES HAS SPREAD WILDLY IN US IMMIGRATION DETENTION FACILITIES, WHICH COULD AND SHOULD HAVE BEEN AVOIDED.**

On 7 April 2020, Amnesty international issued the report,



▶ **'WE ARE ADRIFT, ABOUT TO SINK': THE LOOMING COVID-19 DISASTER IN US IMMIGRATION DETENTION FACILITIES.**

The report documented how US immigration detention facilities failed miserably to provide adequate soap and sanitizer, introduce social distancing, and halt unnecessary transfers and deportations of people in and out of those dangerous facilities.

In 2020, the USA has become the epicentre of the COVID-19 pandemic, with well over

6 million confirmed cases and **180,000 deaths.**

As of 28 August 2020 – over four months since the Amnesty International report – the number of people who have contracted confirmed cases of COVID-19 in US immigration detention facilities has skyrocketed more than 200-fold, to 5,300 cases (850 of whom remain in detention, and have not been deported). Among those cases are some of the approximately one hundred families held in detention centres, which a US federal judge has said were “on fire” with confirmed cases of COVID-19 due to inadequate protection.



**FAMILY SEPARATION 2.0:
'YOU AREN'T GOING TO SEPARATE
ME FROM MY ONLY CHILD'**

Family Separation 2.0: "You aren't going to separate me from my only child."

On April 7, 2020, Amnesty International issued a report, "We are adrift, about to sink": The looming COVID-19 disaster in US immigration detention facilities, documenting how the Trump administration was failing to adequately protect tens of thousands of immigrants and asylum-seekers whom the U.S. Department of Homeland Security's ("DHS") Immigration and Customs Enforcement ("ICE") agency was detaining in over 200 detention centers across the United States.¹

Three of these facilities detain families, including infants as young as 1-year-old who are still breast-feeding. Deceptively named "family residential centers" (FRC), these detention facilities are: the Berks County Residential Center ("Berks") in Leesport, Pennsylvania; the South Texas Family Residential Center ("Dilley") in Dilley, Texas; and the Karnes County Residential Center ("Karnes") in Karnes City, Texas.

While the dangerous conditions in immigration detention remain little changed since Amnesty International published its April report, ICE has now introduced a new element of harm: family separation. Once again, this administration is weaponizing its public health response to COVID-19 to punish and deter people seeking safety.

"It doesn't matter what you sign because we will do what we want."

On May 13 and May 14, 2020, ICE presented detained families at Berks, Dilley, and Karnes with an unconscionable – and unnecessary – choice: either separate from their children or stay together in indefinite detention during the COVID-19 pandemic.

Sobbing and scared, families told their lawyers that ICE officers presented them with forms in English that the officers told them to sign, explaining that they could send their children away.² These children are as young as 1-, 2-, and 3-years-old – children learning to walk and talk in detention. One parent reported that ICE told him, "I have a question to ask you but I know you will not like it."³ The father's reply: "You aren't going to separate me from my only child."⁴ ICE was not above manipulation, as described by another parent: "They didn't force us but they did tell us we could send our daughter away because of the pandemic."⁵ Parents understood that they would be deported without their children if they separated from their children.⁶

¹ Amnesty International, "We are adrift, about to sink": The looming COVID-19 disaster in US immigration detention facilities (April 2020), Index: AMR 51/2095/2020, available at www.amnestyusa.org/wp-content/uploads/2020/04/WeAreAdrift-1.pdf.

² Interview with legal service providers, May 15, 18 and 19, 2020; O.M.G. v. Wolf, Exhibit 68, Supplemental Declaration of Shelyn Flaherty at paras. 34-38.

Amnesty International documented how, instead of releasing families together, US Immigration and Customs Enforcement (ICE) asked parents in May 2020 if they would agree to release their children without them, while the parents remained detained. In June 2020, the Office of the Inspector General (OIG) of the US Department of Homeland Security (ICE's parent agency) confirmed in its own oversight report the systemwide deficiencies in provision of COVID-19 testing and protection equipment, and that "social distancing" was nearly impossible for detainees and personnel at US immigration detention facilities.

Yet even the staggering number of 5,300 is likely an undercount of the people who have contracted COVID-19 in ICE custody, as US immigration authorities have routinely deported and "expelled" tens of thousands of migrants and asylum seekers since March 2020 during the COVID-19 pandemic, in many cases without due process, or adequate COVID-19 testing, health screenings, hygiene, and sanitation precautions. The US government has exploited the COVID-19 crisis to halt all processing of asylum seekers on the US–Mexico border, and "expelled" thousands of unaccompanied children, without consideration of their protection needs or the risks of persecution, death, torture or other ill-treatment that they faced upon refolement to their countries of origin. Approximately 60 percent of those migrants and asylum seekers whom the US government deported or "expelled" by air travel to their countries of origin were from the Northern Triangle of Central America. In hundreds of those documented cases, deported people had contracted COVID-19 in US custody, yet were nonetheless deported without receiving health care remedies from US immigration authorities, such that ICE's unnecessary detentions and deportations of migrants and asylum seekers contributed to the regional outbreak of the COVID-19 pandemic throughout the Americas.



Wall located at Otero County Processing Center, showing logistics information for the transfer of ICE detainees. (AGENCY, 2017)

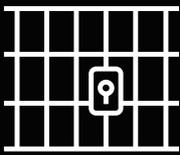


COVID-19 ARE SKYROCKETING IN US IMMIGRATION DETENTION FACILITIES

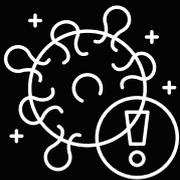
While US authorities have confirmed that cases of COVID-19 are skyrocketing in US immigration detention facilities, the US government has continued to conduct thousands of dangerous and unnecessary flights to transfer and deport migrants and asylum seekers since the outbreak of COVID-19 in the United States – in some cases to countries where deportees are unable to receive adequate treatment of the virus, after being exposed to it in US immigration detention facilities.



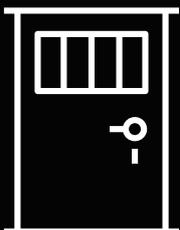
UPDATED KEY STATISTICS:



21,066 people are currently detained in US immigration detention facilities (as of 21 August 2020).



At least **5,300** migrants and asylum seekers contracted COVID-19 in immigration detention (as of 28 August).



At least **89** US immigration detention facilities have confirmed cases of COVID-19 (out of nearly 200 facilities currently being used for immigration detention purposes).



▶ DEATHS OF PEOPLE FROM COVID-19 IN US IMMIGRATION DETENTION FACILITIES:

- On 7 May 2020, an immigration detainee in US custody at the Otay Mesa Detention Center, in San Diego (California), was the first to die from COVID-19, reportedly due to neglect by detention personnel.
- Since then, ICE has reported the deaths of five people in total in its custody due to COVID-19.
- Yet those five deaths are likely an extreme undercount, as ICE has failed to adequately test for COVID-19, or track the deaths and health outcomes of the tens of thousands of people whom it has deported or otherwise released, some of whom have died of COVID-19 since regaining their freedom.

▶ KEY INFORMATION ON US DEPORTATIONS:

- The US Centers for Disease Control and Prevention (CDC) have issued binding guidelines that direct ICE to restrict transfers of detained persons to and from other jurisdictions and facilities unless necessary for medical reasons and public health.
- ICE is deporting detainees with confirmed cases of COVID-19; and detainees deported by ICE to at least 11 other countries have tested positive for COVID-19 following their deportation.
- Those deported to Guatemala, who reportedly accounted for nearly a fifth of all COVID-19 cases in the country as of 28 April, have reported stigmatization and alarming quarantine regimes that starkly violate their human rights. One Guatemalan who contracted COVID-19 after being deported from the United States said people threatened to “set fire” to him, while other deportees have described being forced to quarantine in mass facilities with inadequate medical conditions, where social distancing is an impossibility.
- Elsewhere, in El Salvador, hundreds of citizens have been arbitrarily detained in so-called “containment centers,” where deportees reported being held in overcrowded, unsanitary facilities for long periods of time. Amnesty International verified the accuracy of those reported conditions.



RECOMMENDATIONS

IMMIGRATION DETENTION – Amnesty International calls on the US government to immediately release as many as possible of the over 20,000 civil immigration detainees in its custody, for the duration of the COVID-19 global pandemic. The US government should release families together. US authorities have the legal power and responsibility to provide humanitarian parole and alternatives to detention to all those detainees in its unsafe and unsanitary detention facilities, prioritizing those who are older or have underlying health conditions placing them at higher risk of contracting COVID-19.

IMMIGRATION DEPORTATIONS – In a letter to US authorities on 6 May 2020, Amnesty International called on the US government to immediately impose a temporary moratorium on all deportations and other forced returns of immigration detainees, which are needlessly endangering public health and the people being transported. Amnesty additionally called for the US government to release people on orders of supervision who have received removal orders and are in detention.

EXPULSIONS – In a public statement in April 2020, Amnesty International called on the US government to cease the unlawful expulsions of migrants and asylum-seekers, including children and families, and resume processing asylum-seekers' claims in a manner while taking steps to safeguard public health.