

Congress of the United States
House of Representatives
Washington, DC 20515

ZOE LOFGREN
19TH DISTRICT, CALIFORNIA

October 7, 2020

Tony Pham
Acting Director
U.S. Immigration and Customs Enforcement
500 12th Street SW
Washington, D.C. 20536-5003

Dear Acting Director Pham,

As confirmed cases of COVID-19 are on the rise across the United States, I am concerned about recent media reports that Immigration and Customs Enforcement (ICE) is conducting enforcement operations in select jurisdictions, with a specific focus on the state of California.¹ According to the *Washington Post*, administration officials describe these efforts—known as “Sanctuary Op”—as a “political messaging campaign.” Today, ICE announced it had arrested over 100 immigrants in California as part of this operation.² Forcing more individuals into immigration detention centers, where the spread of COVID-19 cannot be adequately controlled, is dangerous and irresponsible. To do so for the sake of scoring political points is unconscionable.

As we enter the seventh month of the global pandemic ICE has utterly failed to protect both staff and the detainees in its custody. In March and April, House Judiciary Committee Chairman Nadler and I wrote letters to your predecessors demanding that the agency take steps to decrease the detention population by reviewing detainee files and releasing individuals who clearly pose no threat to public safety or national security, particularly those who are at high risk of complications due to infection by COVID-19.³ Unfortunately, in response to these requests, ICE released only 700 people from custody.⁴ Currently, the detained population stands at just

¹ Nick Miroff and Devlin Barrett, *ICE Preparing Target Arrests in ‘Sanctuary Cities,’ Amplifying President’s Campaign Theme*, WASH. POST https://www.washingtonpost.com/immigration/trump-ice-raids-sanctuary-cities/2020/09/29/99aa17f0-0274-11eb-8879-7663b816bfa5_story.html.

² Office of Public Affairs, *DHS Announces ICE Enforcement Actions on Criminal Aliens Released Due to California Sanctuary Policies*, U.S. DEPARTMENT OF HOMELAND SECURITY (Oct. 7, 2020).

³ House Committee on the Judiciary, *Nadler & Lofgren Renew Call on ICE to Protect Migrants Staff During COVID-19 Pandemic*, Press Releases (Apr. 7, 2020), <https://judiciary.house.gov/news/documentsingle.aspx?DocumentID=2908>.

⁴ House Committee on Oversight and Reform, *DHS Officials Refuse to Release Asylum Seekers and Other Non-Violent Detainees Despite Spread of Coronavirus*, (Apr. 17, 2020), <https://oversight.house.gov/news/press-releases/dhs-officials-refuse-to-release-asylum-seekers-and-other-non-violent-detainees>.

under 20,000, around 700 of whom have tested positive or are being monitored for COVID-19.⁵ Since the pandemic began, 6,400 detainees and 200 ICE employees have tested positive and 21 detainees have died in ICE custody, the most in a fiscal year since 2006.⁶

I am deeply disturbed that ICE is spending government dollars and putting lives at risk in furtherance of what is described as a political messaging campaign, when the agency has failed to take adequate measures to protect detainees, and the surrounding communities, from COVID-19. Four of the five detention facilities in California have experienced COVID-19 outbreaks. The transfer of detainees into two of these facilities has been halted as a result of ICE's inability to properly address the health and safety of individuals inside these facilities.⁷

For these reasons, I ask that you provide written responses to the following questions by October 16, 2020:

- 1.) The ICE Enforcement and Removal Operations (ERO) COVID-19 Pandemic Response Requirements⁸ require coordination with public health partners, including state and local public health departments. Is "Sanctuary Op" being carried out in coordination with these partners at the state and local level?
- 2.) What steps has ICE taken to coordinate with local and state public health authorities in California, as required by the ERO COVID-19 Pandemic Response Requirements?
- 3.) What plan is in place to mitigate the spread of COVID-19 that will inevitably result from the execution of this operation?
- 4.) Has ICE provided guidance to the ICE agents or personnel who are or will be carrying out these enforcement operations in local communities to protect such communities from the spread of COVID-19? If so, please provide that guidance.
- 5.) Does ICE plan to test and quarantine every individual that is apprehended? Does ICE have adequate social distancing protocols and personal protective equipment to prevent the spread of COVID-19 during enforcement operations and in detention centers?

Thank you for your prompt response to these questions.

⁵ U.S. Immigration and Customs Enforcement, *ICE Guidance On COVID-19*, (updated Oct. 7, 2020), <https://www.ice.gov/coronavirus>.

⁶ Catherine E. Shoichet, *The Death Toll in ICE Custody is the Highest It's Been in 15 Years*, CNN (Sept. 30, 2020), <https://www.cnn.com/2020/09/30/us/ice-deaths-detention-2020/index.html>.

⁷ Farida Jhabvala Romero, *'People Are Terrified': SF Judge Orders COVID-19 Testing at ICE Facility KQED* (Aug. 7, 2020), <https://www.kqed.org/news/11832472/people-are-terrified-sf-judge-orders-covid-19-testing-at-ice-facility>.

⁸ U.S. Immigration and Customs Enforcement, *Covid-19 Pandemic Response Requirements*, (Sept. 4, 2020), <https://www.ice.gov/doclib/coronavirus/eroCOVID19responseReqsCleanFacilities.pdf>.

Sincerely,

A handwritten signature in blue ink, appearing to read "Zoe Lofgren", with a long horizontal flourish extending to the right.

Zoe Lofgren
Chair
Subcommittee on Immigration and Citizenship
House Committee on the Judiciary