March 20, 2020

Matthew T. Albence
Acting Director
U.S. Immigration and Customs Enforcement
500 12th St., SW
Washington, D.C. 20536

Mark A. Morgan
Acting Commissioner
U.S. Customs and Border Protection
1300 Pennsylvania Ave., NW
Washington, D.C. 20229

RE: Request for Immediate Changes in Enforcement and Detention Practices in New Hampshire and Nationally Based on COVID-19 Threat

Dear Mr. Albence and Mr. Morgan:

We write to you with an urgent request on behalf of the NH Immigrant Rights Network and the NH Immigrant Solidarity Network, two statewide coalitions of organizations and individuals working with and within immigrant communities to improve lives and ensure just treatment. We are writing to you during a national crisis and a time when our Governor has declared a state of emergency due to the threat that COVID-19 poses to us all.

As you are both vitally aware, we are in the midst of a worldwide pandemic that constitutes an existential threat to the United States. Formed in the wake of our last national tragedy, the Department of Homeland Security is a key agency obligated to ensure the health and safety of the people within this country. We are now calling upon you, as so many others across the nation have, to immediately implement expansive immigration enforcement and detention policies that serve the health and safety interests of the country and reduce the life-threatening public health risks that DHS’s current immigration policies advance.

Enforcement Actions

We ask that all non-essential enforcement actions such as CBP checkpoints and warrantless bus searches and ICE raids and sweeps of neighborhoods, workplaces, places of public accommodation and other locations cease forthwith. Actions such as these, that are not aimed at specific targets, strike terror within immigrant communities, not only for those individuals without lawful status but also U.S. citizens and others who are lawfully present.

This fear serves to inhibit people from seeking the state and local assistance they may need and to which they are entitled. We are concerned that during this national emergency, many in the immigrant community, especially those who are undocumented or have a family member who is undocumented, will not seek medical help even if they are experiencing symptoms of COVID-19. The obvious consequence is the unnecessary and otherwise avoidable rapid spread of this
highly contagious disease: an outcome in direct opposition to DHS’ mission “to secure the nation from the many threats we face.”

COVID-19 is the most significant threat this country is currently facing. It is therefore imperative that you take all steps to mitigate the extreme public health perils that non-essential immigration enforcement actions pose to the public.

On March 18, 2020, ICE posted a notice indicating that it would focus enforcement activity on those who pose “public safety risks” or are “subject to mandatory detention based on criminal activity.” The notice states that ICE will not engage in activities at or near medical facilities, a slight expansion of its “sensitive locations” policy that only specified hospitals. In addition, ICE declares that it will “exercise discretion to delay enforcement actions until after the crisis or utilize alternatives to detention, as appropriate.” While this policy makes some progress toward our request, it is not sufficient and is neither definitive or expansive enough to allay fears. Meanwhile, we were unable to uncover any evidence that CBP is contemplating any curtailment of its “wide-net” enforcement activities that foster such trepidation within immigrant communities.

We therefore call upon both ICE and CBP to swiftly initiate clear, unambiguous enforcement policies that are responsive to the extreme public health danger we all face. It is essential that both agencies broadly publicize these new policies so that people are encouraged to seek medical help without fear.

Detention

New Hampshire has one facility that holds immigrants in civil detention. Strafford County Department of Corrections has a population of approximately 100 – 110 civil immigration detainees through a contract with ICE. These are people who have not been charged with any crimes and in other times would have been released to the community to await civil immigration removal procedures.

It is well-documented that the close living quarters and other poor environmental conditions at correctional facilities place their inhabitants at higher risk of disease communication than the general public. ICE detainees, along with other inmates and correctional staff, are at increased danger from COVID-19 than most members of the public. It is also well-established that medical services within correction institutions are compromised by many factors and are certainly even less ready to handle pandemic conditions than civilian medical facilities.

DHS is obligated to safeguard the well-being of those in its custody. By civilly incarcerating immigrants who could be released into the community, DHS is contributing to the dire health risks of COVID-19. Because of the virulence of this disease, these dangers extend beyond the institutions to the community at large.

It is essential that DHS put the interests of the public first and take all steps to mitigate the risks posed through unnecessary detention. We ask that, in order to reduce the spread of COVID-19 via civil detention facilities, ICE exercise its discretion and implement emergency procedures to release detainees. To expedite the process, ICE should release as many immigrant detainees as
possible on their own recognizance and set bonds that make it actually possible for a family to afford to post one. Using personal recognizance and low bonds is particularly crucial in light of ICE’s decision to keep open only bond offices that have bond windows (see ICE Guidance on COVID-19 at https://www.ice.gov/covid19).

This is a time that calls for everyone to act in the interest of the public good. We expect our governmental institutions to act swiftly to protect the people in times of danger. We are in those times now and we call upon you and all of DHS to take every step to stop the spread of COVID-19 through immediate implementation of our requests and to additionally institute any other policies that will contribute to the suppression of this pandemic.

Sincerely,

The undersigned

Cc: New Hampshire Congressional Delegation

Arnie Alpert and Maggie Fogarty, American Friends Service Committee – NH Program
Sarah Jane Knoy and Rev. Sarah Rockwell, Granite State Organizing Project
Alejandro Urrutia, Granite State Organizing Project
Eva Castillo, NH Alliance for Immigrants and Refugees
Rev. Sandra Pontooh, NH Indonesian Community Support
Tristan Husby, Unitarian Universalist Action NH
Nancy Pape, Immigrant and Refugee Support Group, NH Conference - United Church of Christ
Sang Yeob Kim, Immigration Staff Attorney, American Civil Liberties Union of New Hampshire
Melissa Hinebauch, Kent Street Coalition
Doris Hampton, Canterbury Citizens for Democracy
Rosemary Affeldt, United Valley Interfaith Project
William Ploog, Supporting and Helping Asylees and Refugees, Lyme NH
Laura Aronson, Tess George & Melinda MacInnis, Never Again Action NH
Rebecca Beaulieu, 350 New Hampshire
Ken Barnes, Pursuing Justice, Concord NH
Randall A. Drew, Drew Law Office, Bedford NH
Rev. Samuel Fuller, OFM Cap, Administrator, St Anne-St Augustin, Manchester NH
Rev. Gordon Rankin, Conference Minister, NH Conference United Church of Christ
Rev. Cindy Kohlmann, Presbytery of Northern New England, Bedford NH
The Rev Jane Van Zandt, Episcopal Church of New Hampshire
Sisters of Mercy of the Americas NH, Nashua NH
Revs. John & Susan Gregory-Davis, Co-Pastors, Meriden Congregational Church, UCC
Meriden, NH
Rev. Patrick McLaughlin, Unitarian Universalist Church of Manchester, NH
Rev. Jonathan Hopkins, Pastor, Concordia Lutheran Church, Concord NH
Rev. Virginia Fryer, Pastor, Bow Mills United Methodist Church, Bow NH
Rev. David Grishaw-Jones, Pastor, Community Church of Durham (UCC), Durham NH
Richard Kleinschmidt, Presiding Clerk, Concord Friends Meeting, Canterbury NH
Jewel B. Davis, Social Action Committee, Temple Israel, Portsmouth NH
Nancy Vogele, Rector, St. Matthew’s Episcopal Church, Goffstown NH
Jacqueline R. Verville, CSC, Sisters of Holy Cross, North American Sector, Manchester NH
The Reverend Hays M. Junkin, Rector, Church of Our Saviour, Milford, NH
Social Justice Associates, South Church Unitarian Universalist, Portsmouth, NH
Jill Taylor, Gonic Friends Meeting, Gonic NH
Sue Moore, South Church UCC, Concord NH
Lindsay Dearborn, Peace and Social Concerns Committee, Hanover Friends Meeting (Quakers)
Ron Rene, Mychal Judge Circle, Manchester NH
Rev. Pius Murray, Affirming Christian Community of St Ann and St Charles, American Catholic Church in the United States, Somersworth NH

Chris Wellington, JD, Derry NH
Sister Denise Turcotte, CSC, Manchester NH
Shelia Grace, Manchester NH
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Joanne Foster, Portsmouth NH
Martha Alvarado, Nashua NH
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Jeffery Bell, MD, Lebanon NH
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Donna San Antonio, Brookfield NH
Rabbi Beth D. Davidson, Manchester
Samantha Heaton, Wilder VT
Barbara Thibeault, Brattleboro VT
Melinda J. Meyerhoff, Meriden NH
Alan J Green, MD & Rebecca Ann Smith Green, MD, Nashua NH
Sr. Mary Ellen Foley, RSM, Manchester NH
Glen Ring, Concord NH
Ann Podlipny, Chester NH
Margaret Hawthorn, Rindge NH
Mark Barker, Boscawen NH
Rev. Dr. Dawn C. Berry, Hopkinton NH
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