

An Open Letter to the Portland Immigration Court and all ICE offices in Oregon and Tacoma

In the midst of one of the most pressing public health challenges, the undersigned organizations call on the Executive Office of Immigration Review and the Department of Homeland Security to take comprehensive measures to put the health and well-being of our communities at the forefront. Oregon is operating under a National, State, County and several City Declarations of Emergency.¹ We believe that now is the time to demonstrate leadership.

We call on you to immediately:

- **Cease *all* ICE field operations and publicly state that ICE will not conduct enforcement activities in and around medical facilities.** Conducting ICE field operations at this critical time would sow fear and create community distrust. Requiring individuals to transit the state and appear in person at ICE offices is unwise. GPS monitoring devices should be removed because they may impede public health social distancing practices. Oregonians -- every single one of us -- must be able to work together to develop effective responses to the public health

¹ See *Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak* (Mar. 13, 2020), <https://www.whitehouse.gov/presidential-actions/proclamation-declaring-national-emergency-concerning-novel-coronavirus-disease-covid-19-outbreak/> (finding that the “spread of COVID-19 within our Nation’s communities threatens to strain our Nation’s healthcare systems”); Office of the Governor of Oregon, *Declaration of Emergency Due to Coronavirus (COVID-19) Outbreak in Oregon*, Executive Order 20-03 (Mar. 8, 2020), https://www.oregon.gov/gov/Documents/executive_orders/eo_20-03.pdf (finding that the “high” potential public health threat requires immediate action); City of Portland, Declaration of Emergency (Mar. 12, 2020), <https://assets.documentcloud.org/documents/6809106/Portland-State-of-Emergency-March-2020.pdf> (“The COVID-19 virus continues to spread, vulnerable populations are most at risk from the virus, personal protective equipment for first responders is depleted, workforce may become depleted resulting in reduced services...”); Office of the Governor of Oregon, *Prohibiting Large Gatherings Due to Coronavirus (COVID-19) Outbreak in Oregon*, Executive Order 20-05 (Mar. 12, 2020) (ordering social distancing measures to “slow the spread of the disease, and to protect the Oregonians who are at highest risk for contracting the disease[.]” & requiring distancing between people of at least 3 feet). The Cities of Beaverton, Hillsboro and Sherwood have also declared states of emergencies. See *Washington County cities issue state of emergency declarations*, OregonLive (Mar. 13, 2020), <https://www.oregonlive.com/coronavirus/2020/03/beaverton-sherwood-issue-state-of-emergency-declarations.html>.

challenge of the coronavirus without fear of ICE intrusions, arrests, and detentions.

- **Release all Persons at the Northwest Detention Center in Tacoma.** Their continued detention is dangerous, especially in light of the severity of the outbreak in Washington State and Pierce County. As of March 13, 2020, there are at least 19 confirmed cases of COVID-19 in Pierce County.² Moreover, detention center conditions make persons in detention inherently vulnerable to contamination, infection, and outbreak. ICE is not prepared to contain or adequately treat those in custody.
- **Close the Portland Immigration Court, extend all deadlines, and continue all cases without penalty toward the individuals appearing in court.** On a case-by-case basis, the Portland Immigration Court should hear urgent cases when the parties so request.
- **Prioritize transparency in all processes.** DHS and the Immigration Court should build plans alongside the Oregon Health Authority and county health departments. There should be transparency in the planning and executing of all plans.

The Oregon community declares that these actions are imperatives. The Federal government's failure to adequately respond to the coronavirus has caused a pandemic in Oregon and throughout the Nation. Without immediate aggressive leadership, the pandemic will exponentially increase and cause wide-ranging, long-lasting harm to Oregon. We fear that the lack of response by DHS will lead to further inundation of our health care system, exhausting healthcare workers, endangering patients, and harming the wider community. The mathematics of the pandemic's anticipated spread are inexorable; the only way to prevent it is aggressive social distancing starting right now.³ We need to get and keep as many Oregonians at home

² Tacoma-Pierce County Health Dep't, COVID-19 resources, <https://www.tpchd.org/healthy-people/human-coronavirus> (last visited Mar. 13, 2020).

³ Tomas Pueyo, *Coronavirus: Why You Must Act Now for Politicians, Community Leaders and Business Leaders: What Should You Do and When?* (Updated Mar. 13, 2020), <https://medium.com/@tomaspueyo/coronavirus-act-today-or-people-will-die-f4d3d9cd99ca>; Nicholas Kristoff and Stuart A. Thompson, *How Much Worse the Coronavirus Could Get, in Charts*, NY Times (Mar. 13, 2020), <https://www.nytimes.com/interactive/2020/03/13/opinion/coronavirus-trump-response.html>.

as possible--starting now--and Oregonians must be able to access healthcare and care for others in the community without fear of ICE arrests, ICE surveillance, or deportations.

As public servants in Oregon, you have the power and the responsibility to prevent this harm. Not only is the suspension of all ICE field operations critical to ending the fear within the community, it also serves to mitigate ICE officers from being spreaders of COVID-19. For example, the Portland Police Bureau has limited operations to only emergency situations to prevent the civic authorities from becoming vectors that “spread the virus to people at higher risk for a severe bout of the disease.”⁴

Our communities have witnessed the devastating effects of mass detention on people held in ICE facilities. Under the Trump administration, we have seen a notable increase in reported deaths in detention; an alarming trend that is tied to fatal medical neglect, unsanitary conditions, and inadequate resources for people detained. This global pandemic demands immediate action to minimize the propagation of the coronavirus. ICE has repeatedly proven to be incapable, under normal circumstances, of adequately providing the proper care for people in its custody.⁵ On behalf of the Oregonians in detention at the Northwest Detention Center in Tacoma, we call on ICE to release *all* people from detention. ICE should not force persons in its custody in Tacoma to risk exposure to coronavirus. Persons in detention should be released so they may reunite with their families and communities at home in Oregon.

⁴ *Portland police will stop responding in person to some calls, citing coronavirus concerns*, OregonLive (Mar. 13, 2020), <https://www.oregonlive.com/coronavirus/2020/03/portland-police-will-stop-responding-in-person-to-calls-that-arent-life-threatening-citing-coronavirus-concerns.html>

⁵ See, e.g., *Fraihat v. U.S. Immigration & Customs Enforcement*, 19-cv-01546, Dkt. No. 1 (C.D. Cal. filed Aug. 19, 2019) (complaint setting forth detailed allegations of ICE medical misconduct, mistreatment, and neglect in detention facilities throughout the United States); *Fatal Neglect: How ICE Ignores Deaths in Detention* (Feb. 2016) (describing inadequate medical care); Letter of Senator Maria Cantwell and Rep. Adam Smith to Joseph V. Cuffari, Office of Inspector General (Oct. 23, 2019), <https://www.cantwell.senate.gov/imo/media/doc/10.23.19%20NWDC%20Letter%20To%20DHS%20Inspector%20General.pdf> (identifying allegations of abuse against GEO Group, the private contractor operating the NWDC); Seattle U. Sch. Of Law Int’l Human Rights Clinic, *Voices From Detention: A Report on Human Rights Violations at the Northwest Detention Center in Tacoma, Washington* (July 2008).

The Portland Immigration Court is a place of congregation.⁶ It is common for the court to schedule large hearing dockets that require people to travel from all across the state under penalty of deportation.⁷ The Portland Immigration Court requires people to sit on packed benches, often for hours at a time. That makes the Portland Immigration Court a potential vector for community spread of the virus. And it is not just about the people who have to go to court; it is about all those who work there and with everyone they come in contact. EOIR announced on March 14 that it will be postponing all non-detained master calendar hearings in Boston, Los Angeles, Newark, New York, Sacramento, and San Francisco⁸; there is no reason that the same policy should not apply to Portland’s large non-detained docket. At this moment, the Portland Immigration Court should be making every effort to minimize risk — and to send a signal that this is *not* a time for business as usual.⁹

March 14, 2020

Innovation Law Lab
ACLU of Oregon
AILA—Oregon Chapter
AFSC Oregon
APANO (Asian Pacific American Network of Oregon)
Acompañar
Adelante Mujeres
Beyond Toxics
Catholic Charities of Oregon
CASA of Oregon

⁶ See Letter of Ashley Tabaddor, President, NAIJ to James McHenry, Director, EOIR (Mar. 12, 2020), https://www.naij-usa.org/images/uploads/newsroom/NAIJ_Letter_to_EOIR_Director_Re_Coronavirus.pdf (explaining “[y]esterday, the World Health Organization declared the COVID-19 outbreak a pandemic, and National Institute of Allergy and Infectious Diseases Director Dr. Anthony Fauci testified before the House Committee on Oversight and Reform that “things will get worse than they are right now.”)

⁷ *Id.* (stating that “non-detained master calendar dockets typically bring 50 or more respondents into each courtroom; on busy days, some of our Immigration Courts schedule 13 or more master calendar dockets per day[.]” and “master calendar dockets bring hundreds of people into close and extended contact with each other and with the Immigration Judges, interpreters, and court staff.”)

⁸ See DOJ EOIR, Twitter post, March 13, 2020, 8:13 PM, https://twitter.com/DOJ_EOIR/status/1238664636188237824.

⁹ See, e.g., Sarah Jarvis, *Coronavirus: The Latest Court Closures and Restrictions* (Mar. 12, 2020) (identifying nearly 40 federal courts and court systems that have closed or issued rules to limit the spread of COVID-19), <https://www.law360.com/articles/1252836/coronavirus-the-latest-court-closures-and-restrictions>

Causa Oregon
Central Pacific Conference United Church of Christ
Centro Cultural de Washington County
Centro de Servicios para Campesinos
Centro Latino Americano
Doctors for Camp Closure—Oregon Chapter
Ecumenical Ministries of Oregon
El Programa Hispano Catolico
First Congregational UCC
Gorge ICE Resistance
Immigrant Refugee Community Organization (IRCO)
Latino Network
Latinos Unidos Siempre
Latinx Alliance of Lane County
Mano a Mano
Meadowlark Immigration PC
Migrant Collective
NAACP of Lane County
NORCOR Community Resources Coalition
Northwest Workers Justice Project
Oregon Justice Resource Center
Oregon Physicians for Social Responsibility
Our Children Oregon (formerly Children First for Oregon)
Partners for a Hunger-free Oregon
Portland Immigrant Rights Coalition
Public Defender Services of Lane County
Pueblo Unido PDX
Refugee Resettlement Coalition of Lane County
Rural Organizing Project
Social Justice Coalition, Central Lutheran Church
The Latino Community Association
The Oregon Interfaith Movement for Immigrant Justice
Unidos Bridging Community
VIVA Inclusive Migrant Network
Voz Workers' Rights Education Project

