

Congress of the United States
Washington, DC 20515

May 19, 2020

Acting Secretary Chad Wolf
U.S. Department of Homeland Security
500 12th St. SW
Washington, D.C. 20536

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

Dear Acting Secretary Wolf and Acting Director Albence:

We write to urge the Department of Homeland Security (DHS) to take immediate action to ensure that all Immigration and Customs Enforcement (ICE) detention centers, including the facilities that contract with ICE, quickly implement the agency's recent commitment to provide 520 free phone call minutes per month for detainees during the coronavirus (COVID-19) pandemic. DHS should also guarantee that any telephonic or remote communication with attorneys remains confidential and unsupervised by detention center staff.

Crowded, unsanitary conditions in ICE detention put nearly 30,000 detainees, and detention center staff, at especially high risk of COVID-19 infection. According to ICE, there have been 1,073 confirmed cases of COVID-19 among those in ICE custody at 49 locations across the country. Forty-four ICE employees at detention centers have also tested positive for the virus.¹ In order to help prevent further spread of the virus, ICE has suspended social and legal visits.

The vast majority of those in ICE detention facilities—more than four out of every five—do not have legal representation in their removal cases, which continue to proceed during the pandemic.² In order to effectively prepare for their immigration court cases, these detainees must communicate with people outside detention who have access to relevant evidence. For those who do have representation in their removal cases, access to meaningful and confidential phone communication with counsel is essential.

We appreciate that ICE has committed to providing 520 free minutes per month for each person in detention, which ICE officials communicated to Congressional staff on May 4, 2020. However, legal service providers have reported uneven implementation of the policy. According to information received by Congress, many facilities have not provided any free minutes, some have provided fewer than 520 minutes, and others have provided detainees with 13 free, ten-minute calls per week—but prohibit detainees from carrying over unused minutes. Legal service

¹ See ICE Guidance on COVID-19, <https://www.ice.gov/coronavirus>.

² See Transactional Records Access Clearinghouse, Syracuse University, *State and County Details on Deportation Proceedings in Immigration Court American Immigration Council*, March, 2020, <https://trac.syr.edu/phptools/immigration/nta/>.

providers also report incidents in which their clients do not have access to free calls to counsel on non-recorded lines.³

Accordingly, we respectfully request that DHS and ICE take immediate action to ensure that all ICE facilities, including facilities that contract with ICE, quickly implement the free phone minutes policy and ensure access to unsupervised communication with attorneys. We also respectfully request responses to the following questions by May 29, 2020:

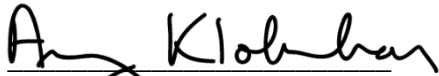
1. Please list each detention facility that currently provides all detainees with access to 520 free phone call minutes each month. As used throughout, the term “detention facility” includes ICE detention centers and facilities otherwise used by ICE to detain individuals, including contract facilities and Inter-Governmental Service Agreement (IGSA) facilities.
2. When will all detention facilities provide detainees with access to free phone minutes? To the greatest extent practicable, please provide a specific date on which access will be guaranteed for each detention facility.
3. Please provide any memoranda or guidance detailing the free phone minutes policy. Please clarify whether this policy will be implemented uniformly across all detention facilities, or whether the agency is allowing modification of the policy (including modification of phone minute allowances) at certain facilities.
4. How will ICE ensure that all detention facilities have implemented this policy? Please provide any relevant guidance and communication provided to detention facility staff and operators, including guidance detailing how ICE intends to ensure compliance.
5. Please explain how detainees access their free minutes. If detainees’ methods of accessing free minutes varies across types of detention facilities, please explain how these methods differ.
6. What steps is ICE taking to ensure that all detainees are informed of the availability of free phone minutes, including by providing information in a language they understand? Please provide copies of any notice given to detainees or detention facility staff with regards to accessing free phone call minutes.
7. Will ICE ensure that unused minutes are never forfeited, track how many free minutes are used by each person in detention, and evaluate whether additional minutes are needed?
8. Please list each detention facility that currently provides all detainees with access to un-recorded phone lines for legal calls.

³ See also, Immigration Justice Campaign, Complaint Details ICE’s Failure to Protect Those in its Custody Amid the COVID-19 Pandemic, May 7, 2020, <https://immigrationjustice.us/advocacy/advocacy-issues/covid-19-advocacy/ice-failure-to-protect-those-in-its-custody-amid-the-covid-19/> (detailing instances of lack of access to phone calls with attorneys).

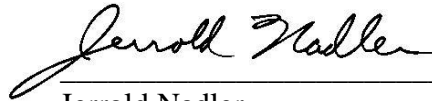
9. When will all detention facilities guarantee access to un-recorded phone lines for legal calls and adopt other measures to ensure that detainees can communicate confidentially with counsel?

Thank you for your attention to this matter. We look forward to your prompt response.

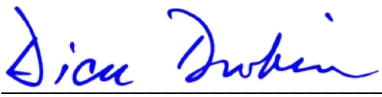
Sincerely,



Amy Klobuchar
United States Senator



Jerrold Nadler
Member of Congress



Richard J. Durbin
United States Senator



Zoe Lofgren
Member of Congress

/s/ Charles E. Schumer
United States Senator

/s/ Nanette Diaz Barragán
Member of Congress

/s/ Dianne Feinstein
United States Senator

/s/ Karen Bass
Member of Congress

/s/ Patrick Leahy
United States Senator

/s/ Donald S. Beyer, Jr.
Member of Congress

/s/ Sheldon Whitehouse
United States Senator

/s/ Earl Blumenauer
Member of Congress

/s/ Christopher A. Coons
United States Senator

/s/ Salud O. Carbajal
Member of Congress

/s/ Richard Blumenthal
United States Senator

/s/ Joaquin Castro
Member of Congress

/s/ Mazie Hirono
United States Senator

/s/ Judy Chu
Member of Congress

/s/ Cory A. Booker
United States Senator

/s/ Lou Correa
Member of Congress

/s/ Kamala D. Harris
United States Senator

/s/ Jason Crow
Member of Congress

/s/ Edward J. Markey
United States Senator

/s/ Tom Udall
United States Senator

/s/ Kirsten Gillibrand
United States Senator

/s/ Martin Heinrich
United States Senator

/s/ Elizabeth Warren
United States Senator

/s/ Kyrsten Sinema
United States Senator

/s/ Ron Wyden
United States Senator

/s/ Tammy Duckworth
United States Senator

/s/ Bernard Sanders
United States Senator

/s/ Chris Van Hollen
United States Senator

/s/ Catherine Cortez Masto
United States Senator

/s/ Tim Kaine
United States Senator

/s/ Michael F. Bennet
United States Senator

/s/ Robert Menendez
United States Senator

/s/ Jacky Rosen
United States Senator

/s/ Jeffrey A. Merkley
United States Senator

/s/ Susan A. Davis
Member of Congress

/s/ Val B. Demings
Member of Congress

/s/ Eliot L. Engel
Member of Congress

/s/ Veronica Escobar
Member of Congress

/s/ Adriano Espaillat
Member of Congress

/s/ Bill Foster
Member of Congress

/s/ Jesús G. "Chuy" García
Member of Congress

/s/ Sylvia R. Garcia
Member of Congress

/s/ Raúl M. Grijalva
Member of Congress

/s/ Deb Haaland
Member of Congress

/s/ Alcee L. Hastings
Member of Congress

/s/ Pramila Jayapal
Member of Congress

/s/ Henry C. "Hank" Johnson, Jr.
Member of Congress

/s/ Joseph P. Kennedy, III
Member of Congress

/s/ Derek Kilmer
Member of Congress

/s/ Barbara Lee
Member of Congress

/s/ Sherrod Brown
United States Senator

/s/ Alan Lowenthal
Member of Congress

/s/ Mark R. Warner
United States Senator

/s/ Carolyn B. Maloney
Member of Congress

/s/ James P. McGovern
Member of Congress

/s/ Grace Meng
Member of Congress

/s/ Debbie Mucarsel-Powell
Member of Congress

/s/ Grace F. Napolitano
Member of Congress

/s/ Joe Neguse
Member of Congress

/s/ Eleanor Holmes Norton
Member of Congress

/s/ Ilhan Omar
Member of Congress

/s/ Frank Pallone, Jr.
Member of Congress

/s/ Mark Pocan
Member of Congress

/s/ Ayanna Pressley
Member of Congress

/s/ Mike Quigley
Member of Congress

/s/ Jamie Raskin
Member of Congress

/s/ Cedric L. Richmond
Member of Congress

/s/ Linda T. Sánchez
Member of Congress

/s/ Jan Schakowsky
Member of Congress

/s/ Albio Sires
Member of Congress

/s/ Adam Smith
Member of Congress

/s/ Darren Soto
Member of Congress

/s/ Bennie G. Thompson
Member of Congress

/s/ Juan Vargas
Member of Congress

/s/ Filemon Vela
Member of Congress

/s/ Nydia M. Velázquez
Member of Congress

/s/ Debbie Wasserman Schultz
Member of Congress

/s/ Bonnie Watson Coleman
Member of Congress

/s/ Frederica S. Wilson
Member of Congress