



March 20, 2020

CONTACTS:

Alejandra Lopez, The Legal Aid Society, 917-294-9348, ailopez@legal-aid.org

Ryan Karerat, The Bronx Defenders, 917-635-4326, rkarerat@bronxdefenders.org

*****FOR IMMEDIATE RELEASE*****

Legal Aid and Bronx Defenders Sue for Immediate Release of Clients at High Risk of COVID-19 from Immigrant Detention

(NEW YORK, NY) –**The Legal Aid Society** and **The Bronx Defenders** today filed a lawsuit in federal court against U.S. Immigration and Customs and Enforcement (ICE) to seek the immediate release of seven individuals in immigrant detention who are at imminent risk of serious illness or death in the event of a COVID-19 infection because of their age or underlying health conditions. The emergency lawsuit was filed amid mounting reports of egregious conditions at local ICE jails that exacerbate the risk of infection and spread of the new coronavirus within these facilities.

The complaint, filed in the Southern District of New York, seeks their immediate release on the grounds that continuing to incarcerate them constitutes deliberate indifference to the risk of serious medical harm in violation of the Fifth and Fourteenth Amendment of the U.S. Constitution. Among the plaintiffs are individuals who suffer from diabetes, heart disease, neurocognitive disorder, kidney disease, and lung and liver problems--all groups of people that the CDC has identified as particularly high risk to COVID- 19 infection.

“ICE is completely ill-equipped to handle this pandemic, and their inexcusable actions will have fatal consequences absent court intervention. The simplest and only humane way that ICE can help prevent the impending coronavirus disaster from harming people in their custody is by releasing everyone in their jails back to their families while they await their hearings,” said **Suchita Mathur, Federal Practice Attorney on The Bronx Defenders’ immigration team.** “What we are asking is that the courts act now to force ICE to begin with the bare minimum, and most urgent act, which is to put the most vulnerable people out of harm’s way before it’s too late.”

“Every day that ICE refuses to release these vulnerable individuals, they are putting them at needless risk of infection and endangering their lives,” said **Aadhithi Padmanabhan, Staff Attorney in the Immigration Law Unit at The Legal Aid Society.** “Given ICE’s proven track record of providing inadequate and substandard medical care to those in their custody, we have no confidence that our detained clients will be safe during this unprecedented public health crisis. We urge the court to recognize the urgency of this moment and order the immediate release for our clients facing imminent risk of severe illness and death.”

The organizations have previously provided information about especially vulnerable clients to ICE and the US Attorney’s office for the Southern District of New York and requested consideration for humanitarian release, but ICE has refused to consider these requests in a timely way and has failed to take action to protect those in their custody, making further legal action necessary.

The lawsuit comes as concerns over the spread of COVID-19 in detention facilities continue to grow. People incarcerated in the New York City-area ICE jails have reported a lack of sanitizing materials (including basic soap and hand sanitizer), prolonged isolation, substandard living conditions, and lack of medical attention. On March 19th, a corrections officer at Bergen County Jail in New Jersey, which incarcerates ICE detainees, tested positive for COVID-19. According to an expert cited in this suit, it is a matter of “days not weeks” before the virus spreads even further and the “window of opportunity is rapidly narrowing for mitigation of COVID-19.”

The [lawsuit filing can be found here](#).

###

The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For over 140 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in

every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities. <https://www.legalaidnyc.org>