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

Legal Aid, Bronx Defenders, ACLU Win Immediate Release of Five Medically-Vulnerable Immigrants in ICE Detention, Amid COVID-19 Pandemic

(NEW YORK, NY) –The Legal Aid Society, The Bronx Defenders, and The American Civil Liberties Union (ACLU) last night [won the immediate release](#) of five immigrants in Immigration and Customs Enforcement (ICE) detention who are at high risk of serious illness or death if they contract COVID-19, due to their underlying health conditions. The lawsuit, *Arriaga Reyes et al v. Decker et al*, brought in U.S. District Court in the District of New Jersey, sought a temporary restraining order (TRO) amid mounting reports of egregious conditions at local ICE jails, including over 100 confirmed or suspected cases of COVID-19 amongst detainees and jail staff at the two jails where the plaintiffs are detained.

The ruling joins a growing number of courts around the country that have ordered the immediate release of medically-vulnerable individuals in ICE detention in recent days, recognizing both the enormous risk of harm that COVID-19 creates as well as ICE’s failure to sufficiently abate the risk of harm.

The plaintiffs—all civil immigration detainees at Hudson County or Bergen County jails—suffer from underlying conditions like asthma, diabetes, and hypertension--all groups of people that the CDC has identified as particularly high risk to COVID- 19 infection.

In her [decision](#), Judge Madeline Cox Arleo of the U.S. District Court of New Jersey, said:

“By failing to implement the CDC’s instructions for the most vulnerable individuals, and by detaining those persons in a jail setting during a rapidly accelerating COVID-19 pandemic without providing them with adequate means to follow hygiene and other health protocols, Respondents have placed Petitioners at a substantially enhanced risk for severe illness or death. There can be no greater punishment. Accordingly, the Court is satisfied Petitioners have demonstrated that Respondents’ conduct amounts to punishment under the Due Process Clause.”

Aadhithi Padmanabhan, Staff Attorney in the Immigration Law Unit at The Legal Aid Society, said: “We celebrate today’s decision and the much-needed reprieve it has given our plaintiffs and their families, but we continue to demand that ICE release all immigrants in detention. In the midst of this pandemic, ICE has recklessly endangered the lives of these five plaintiffs and so many others. Civil immigration detention should not carry with it the risk of a death sentence.”

Suchita Mathur, Federal Practice attorney with The Bronx Defenders’ Immigration team, said: "As COVID-19 continues to spread and cause devastating harm at Bergen and Hudson County jails, and ICE refuses to release people back to their families while they fight their cases, we're grateful to see the courts step in and help ensure that the most vulnerable people in detention get the relief they need. These decisions can be life-saving for the individuals impacted and their communities, and we will continue fighting to ensure as many people are released as possible."

Jeanne LoCicero, Legal Director for the ACLU of New Jersey, said: “As medical experts have advised the courts, releasing people from immigration detention is the only way to protect their lives, the lives of staff, and public health. The government continues to lock people in jail cells as those around them fall ill and die from a contagious virus with no cure. This is not only unconstitutional, it’s inhumane.”

Eunice Cho, Senior Staff Attorney for the ACLU National Prison Project, said: "We are thankful for the court’s clear message: that COVID-19 poses an unacceptable danger to people in immigration detention. For our clients, immigration detention will become a death sentence when — not if — a COVID-19 outbreak occurs. This is only the beginning: ICE must act

quickly to release many more people to avert what public health officials warn will be a humanitarian disaster.”

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

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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>

[The Bronx Defenders](#) is a public defender nonprofit that is radically transforming how low-income people in the Bronx are represented in the justice system and in doing so, is transforming the system itself. We have pioneered a ground-breaking, nationally recognized model of defense called holistic defense that achieves better outcomes for our clients. Each year, we defend 27,000 low-income Bronx residents in criminal, civil, child welfare, and immigration cases, and we reach thousands more through our community intake and outreach programs. Learn more at www.bronxdefenders.org

The ACLU of New Jersey works to defend liberty throughout our state. We are involved in litigation and advocacy on behalf of individuals, and we lobby on scores of bills in the state legislature and local councils. In addition, the ACLU is active in many public education and community organizing projects. We implement legal, legislative, and public education programs in conjunction with large numbers of volunteers to advance the ACLU's goals of liberty and justice for all. www.aclu-nj.org