



BROOKLYN
DEFENDER
SERVICES



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

Immigration Advocates Demand Release of People in Detention in Light of New ICE Guidance

In Letter to ICE Field Office, Defense Attorneys and Advocates Call for the Release of Detained Immigrants Pursuant to January 20th DHS Memo

(New York, NY) – **The Legal Aid Society, Brooklyn Defender Services, and The Bronx Defenders** – New York City’s defender organizations providing free legal representation to detained immigrants through the **New York Immigrant Family Unity Project (NYIFUP)**, along with **American Immigration Lawyers Association - NY Chapter, Central American Legal Assistance, The Door, Immigrant Defense Project, The Immigrant & Non-Citizen Rights Clinic, CUNY School of Law, Kathryn O. Greenberg Immigration Justice Clinic at Cardozo School of Law, Make the Road New York, Neighborhood Defender Service of Harlem, New York Civil Liberties Union, New York Legal Assistance Group, NYU Immigrant Rights Clinic, and UnLocal** – sent a [letter](#) to U.S. Immigration and Customs Enforcement (ICE) urging the release of detained immigrants pursuant to a [memorandum](#) issued by the Department of Homeland Security (DHS) on January 20, 2021, redefining enforcement, custody, and removal priorities. Immigrants detained in local ICE jail facilities fall outside of the

priorities stated in the memorandum, but ICE has not followed its own guidance to release any detained immigrants pursuant to this memo.

The letter states:

We urge you to release and return to our communities all people in your custody under the priorities identified in the January 20, 2021, U.S. Department of Homeland Security (“DHS”) memorandum entitled “Review of and Interim Revision to Civil Immigration Enforcement and Removal Policies and Priorities,” issued by Acting Secretary David Pekoske (“Pekoske memo”).

...the vast majority of—if not all—people currently in your custody fall outside of the Pekoske memo’s priorities, warranting their immediate release.

...

*We understand that the New York Field Office has [stated publicly](#) that ICE is now implementing the Pekoske memo. However, as of today, ICE officers have been treating requests for release under the memo as if they were a different category of requests -- namely, for release under the *Fraihat v. ICE* court order for people with COVID-19 risk factors -- and failing to acknowledge that the Pekoske memo mandates a separate review for people who are no longer enforcement priorities. We call on New York ICE to promptly release all people who are not priorities under the memo, in addition to those vulnerable to COVID-19. We also call on you to stop increasing the population at immigration detention facilities through the transfer of our community members from prisons and jails. Transfers endanger public safety and are inconsistent with the Pekoske memo.*

We eagerly await your office’s actions to implement the new enforcement priorities.

NYIFUP also released the following statement:

“The priorities outlined in the Pekoske memo demand action from local ICE officials and the immediate release of our clients and other immigrants detained in ICE facilities. Immigration detention has never been just or safe, and amidst a global public health crisis—which continues to ravage prisons, jails, and immigration detention centers across the country—our clients face egregiously dangerous conditions that threaten their health, safety, and lives. Releasing all people from immigration detention has never been more urgent, and ICE must comply with the memo issued by its own parent agency.”

BACKGROUND: The New York Family Immigrant Unity Project (NYIFUP) is the nation’s first public defender system for immigrants facing deportation—defined as those in removal proceedings before an immigration judge. Funded by the New York City Council since July

2014, the program provides a free attorney to almost all detained indigent immigrants facing deportation at the Varick Street Immigration Court in New York City.

There is currently [a COVID-19 outbreak](#) in Bergen County jail, with 12 people currently testing positive, [according to ICE](#).

Public health experts have [called for decarceration](#) as a life-saving tool in the fight against COVID-19.

Immigration detention facilities have relied on widespread solitary confinement amid this pandemic, which [only exacerbates the harm](#) and spread of the virus.