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Via Email & regular mail

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RE: Undisclosed Transfer of Detainees

As the New York Immigrant Family Unity Project (NYIFUP) and Rapid Response Legal Collaborative legal service providers, who represent dozens of people detained in ICE custody in the New York and New Jersey area, we write to express our alarm and concern about the recent and sudden transfers of several clients we represent to ICE detention centers in Louisiana, Alabama, and Pennsylvania. These transfers, which happened without notice to the attorneys of record or to even the clients themselves, have serious implications for our clients' ability to access counsel, evidence, and witnesses for their cases, and to contact and be supported by their family

members and other loved ones. In many cases, people we represent simply disappeared, with ICE deportation officers refusing to even respond to reasonable inquiries from counsel about their whereabouts. In addition, correctional officers and ICE officers have spread inconsistent and frightening information among detained people about mass transfers, especially at the Hudson County Correctional Facility. Rather than continue this inhumane and irresponsible policy of transferring individuals outside of the New York/New Jersey area, ICE should cease out-of-state transfers and instead immediately release all recently transferred individuals as well as all those currently detained at the Bergen County Jail, the Hudson County Correctional Facility, the Essex County Correctional Facility, and the Orange County Jail.

For the people we represent, transfers are a frightening and dehumanizing experience. During the COVID-19 pandemic, they pose an added and entirely avoidable danger to the health of our clients and communities given ICE's lack of a national vaccination strategy and continued COVID-19 outbreaks in ICE facilities.¹ Over the past several months, in the midst of the pandemic, our offices have repeatedly made requests to ICE to release individuals in your custody—including on behalf of several clients who were transferred—in accordance with the enforcement priorities guidelines ICE issued on February 18, 2021. ICE has repeatedly chosen to continue to detain and even transfer people who are not enforcement priorities at unnecessary government expense and at the risk to public health and safety as such transfers have unequivocally exacerbated the COVID-19 pandemic.²

We call on ICE to immediately cease transfers of our clients. The practice of transferring detainees without notice to undisclosed locations where they are deprived of access to their families and counsel is callous and unnecessary, especially when it is entirely within ICE's power and discretion to release them instead. At minimum, ICE must provide written and advance notice of any transfers. ICE's own National Detention Standards revised in 2019, provide, at section 7.2, "Detainee Transfers," that "[a]t the time of the transfer, ICE/ERO will provide the detainee, in writing, with the name, address and telephone number of the facility he or she is being transferred to and contact the attorney of record."³ Historically, ICE also had a policy of not transferring individuals away from the area in which they had family ties or counsel. We demand that, at a minimum, ICE adheres to these notification procedures in the 2019 standards and revert to its prior 2012 policy against transfers.

¹ Maria Sacchetti, *Number of ICE detainees testing positive for the coronavirus rises as advocates say agency needs robust vaccination program*, Washington Post (May 28, 2021), https://www.washingtonpost.com/immigration/ice-detainees-coronavirus-cases-rise/2021/05/28/e3dd2f30-bf37-11eb-b26e-53663e6be6ff_story.html.

² Emily Kassie & Barbara Marcolini, *'It Was Like a Time Bomb': How ICE Helped Spread the Coronavirus*, N.Y. Times (April 25, 2021), <https://www.nytimes.com/2020/07/10/us/ice-coronavirus-deportation.html>; Hamed Aleaziz, *Federal Officials Now Say That Transferring Detainees Between Jails Holding Immigrants Contributed To Coronavirus Outbreaks*, BuzzFeed (Oct. 6, 2020), <https://www.buzzfeednews.com/article/hamedaleaziz/dhs-report-detainee-transfers-covid-spread>.

³ 2019 National Detention Standards, https://www.ice.gov/doclib/detention-standards/2019/7_2.pdf

We ask that you respond to this letter by June 9, 2021 and confirm that ICE's New York Field Office will halt future transfers and will henceforth follow the National Detention Standards policy to notify transferred people and attorneys of record promptly about the location of any transfers. In addition, we ask you to confirm whether the New York Field Office has plans to stop using the Hudson County Correctional Facility or any other area facility, and by when, so that advocates and community members can plan to provide continuous support to people detained there.

We thank you in advance for your assistance.

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