

November 3, 2022

President Joseph R. Biden
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Sent via email

Re: Recent Social Visitation Guidelines Fail to Restore Visitation

Dear President Biden:

The undersigned 140 organizations write to demand the restoration of visitation at Immigration and Customs Enforcement (ICE) facilities. We are seriously concerned that the Pandemic Response Requirements (PRR) issued on June 13, 2022 by ICE do not meaningfully reinstate visitation. This strikes us as particularly inconsistent with your recent remarks on September 18, 2022 that “the pandemic is over.”

The experience of being detained is incredibly damaging to the mental and physical health of those in ICE detention. Visitation can help ease the adverse effects on detained individuals’ mental health and also plays a key role in the monitoring of human rights violations, as many individuals in ICE detention do not feel comfortable disclosing sensitive or confidential information over the phone or through the mail. In July 2021, dozens of community-based detention visitation groups sent your offices a letter asking you to reinstate visitation, which included eight first-person testimonies from individuals currently and previously detained by ICE across the country about the importance of visitation to minimize the adverse effects on their mental health and wellbeing.¹

While ICE finally stated it would lead a “return to social visitation” on May 11, 2022,² the policies issued in the most recent PRR instead continue to prevent social visitation at a majority of detention facilities. Besides being unreasonably restrictive, the PRR lack clarity. The only references to social or virtual visitation guidelines in the 50-page document consist of three sentences, which ultimately give ICE field offices and for-profit corporations discretion to interpret most features of the guidance to their benefit.³

¹

<https://static1.squarespace.com/static/5a33042eb078691c386e7bce/t/61df4d6552ee7801d22d5376/1642024293497/FI+network+letter+to+reinstate+visitation+in+immigration+detention+1.pdf>

² <https://www.ice.gov/news/releases/ice-announces-updated-phased-return-social-visitation-detention-facilities>

³ <https://www.ice.gov/doclib/coronavirus/eroCOVID19responseReqsCleanFacilities.pdf>

“YELLOW[.]... Restricting in-person visitation (while ensuring access to virtual options).” (p. 17).

“If facilities are operating under condition RED or YELLOW, and social visitation programs are suspended, facilities should provide access to virtual visitation options, where available. When virtual visitation is not feasible,

- **The majority of ICE detention facilities do not permit social visitation.** The new PRR results in prohibition of social visitation whenever the Centers for Disease Control and Prevention (CDC) COVID-19 community risk status for a county is medium or high, which necessarily designates local facilities as yellow or red.⁴ As of September 30, 2022, **over 58% of ICE detention facilities are designated to be red or yellow⁵ and thus do not permit social visitation** in accordance with ICE’s new guidelines.
- **While the guidance makes reference to the need to provide virtual visitation, there is no meaningful access to it.** As “access to virtual (visitation) options” is not defined in the guidance, detention facilities can interpret it based on what is most convenient and profitable for them. It has been well-documented that video visitation costs, and the additional required costs such as deposit fees and tablet rental fees, are predatory, prohibitive, and inaccessible to the vast majority of those in detention and their families.⁶ Meaningful “access” would mean that the virtual visitation options are free and unrestricted; however, this is not the case in *any* ICE detention facility.
- **People in ICE detention are disincentivized from reporting COVID-19 symptoms, exacerbating the risk for those in detention.** Anytime someone in detention tests positive for COVID-19 the facility’s color code will be yellow or red,⁷ and thus social visitation will not be permitted, even if the CDC community level for the county is low. As detained individuals are aware of this guideline, visitation groups have reported that those in detention hesitate reporting any symptoms to avoid shutting down visitation for their peers. This is extremely worrisome for any effort to attempt to avoid the spread of the virus.
- **ICE’s August 24, 2022 press release on social visitation gives individual detention facilities full permission to shut down visitation at any time they wish without any checks or justifications.**⁸ The “fluidity” of this policy impacts families and loved ones who travel for many hours across state lines - departing their homes when facilities were designated by ICE as “green” - only to arrive at facilities that inform the families that visitation has just recently been “shut down.” Community groups have documented numerous instances of this heartbreaking scenario.

facilities should verbally screen all visitors on entry for symptoms of COVID-19 and perform temperature checks, when possible.” (p. 40).

⁴ <https://www.ice.gov/doclib/coronavirus/eroCOVID19responseReqsCleanFacilities.pdf>

⁵ <https://www.ice.gov/doclib/detention/facilityOperatingLevel09302022.xlsx>

⁶ <https://www.prisonpolicy.org/visitation/report.html>;

<https://www.prisonpolicy.org/blog/2017/05/09/video-visitation-quotes>

⁷ <https://www.ice.gov/doclib/coronavirus/eroCOVID19responseReqsCleanFacilities.pdf>

⁸ <https://www.ice.gov/news/releases/ice-clarifies-facility-operational-status-social-visitation-across-ero-detention>

In light of the concerns detailed above, we ask the administration to urge ICE to: **(1) create guidelines that will lead to the immediate and full reinstatement of social visitation at all ICE detention facilities** (regardless as to whether their facility status is coded as red, yellow, or green), and that **(2) virtual video visitation be free and unrestricted.**

Thank you for your attention to this critical matter affecting the over 25,000 individuals caged in ICE detention daily. Please do not hesitate to reach out to Andrea Carcamo at acarcamo@freedomforimmigrants.org or (██████████) with any questions or for further discussion.

Sincerely,

The Advocates for Human Rights
African Bureau for Immigration and Social Affairs
African Human Rights Coalition
AidNW
Aldea - The People's Justice Center
Alianza Americas
All of Us or None Texas - A Project of Legal Services for Prisoners with Children
Amend Law LLC
American Friends Service Committee (AFSC)
American Immigration Council
Asian Americans Advancing Justice | AAJC
ASISTA Immigration Assistance
Asylum Seeker Advocacy Project (ASAP)
AVAN (Adelanto Visitation & Advocacy Network)
Baker Interfaith Friends
Bay Area Asylum Support Coalition (BAASC)
Bergen County Immigration Strategy Group
Binkley Baptist Church
Black Alliance for Just Immigration (BAJI)
Bridges Faith Initiative
The Bronx Defenders
California Collaborative for Immigrant Justice
Casa de Paz
Casa Mariposa Detention Visitation Program
Center for Gender & Refugee Studies
Centro Legal da la Raza
Chicago Religious Leadership Network on Latin America
Church World Service

Coalition for Humane Immigrant Rights (CHIRLA)
Colorado Immigrant Justice Fund
Communities United for Status & Protection (CUSP)
Community EsTr(El/La)
Community Legal Services in East Palo Alto (CLSEPA)
Conversations with Friends
Cooperative Baptist Fellowship
Detention Watch Network
D.I.R.E. - Deportation & Immigration Response Equipo
DIRE Legal
Doctors For Camp Closure
Dolores Street Community Services
El Refugio
Faith in New Jersey
Faithful Friends/Amigos Fieles
Families for Freedom
Fellowship Southwest
First Friends of NJ and NY
Florence Immigrant & Refugee Rights Project
Franciscan Action Network
Free Migration Project
Free the Ballot
Freedom for Immigrants
Grassroots Leadership
Guadalupe Presbyterian Detention Ministry
Haitian Bridge Alliance
Hispanic Federation
Home is Here NOLA
Human Rights First
Immigrant Action Alliance
Immigrant Defense Advocates
Immigrant Justice Initiative of the Community Church of Chapel Hill UU
Immigrant Welcoming Working Group, Plymouth Congregational Church of Minneapolis
Immigration Equality
Immigration Hub
Immigration Task Force of the Unitarian Society of Ridgewood
Indiana AID
Indivisible Georgia Coalition
Inland Coalition for Immigrant Justice
Innovation Law Lab

Inspiritus, Inc.
Inter-Faith Committee on Latin America
Interfaith Campaign for Just Closures
Interfaith Welcome Coalition - San Antonio
Iowans for Immigrant Freedom
Jewish Activists for Immigration Justice of Western Massachusetts
JUNTOS Philadelphia
Justice Action Center
Justice For Our Neighbors Michigan
Justice in Motion
Kern Welcoming and Extending Solidarity to Immigrants
Laredo Immigrant Alliance
The Legal Aid Society (New York)
LGBT Center of Greater Reading
Lights for Liberty
Louisiana Advocates for Immigrants in Detention
Make The Road Pennsylvania
Mariposas Sin Fronteras
Minnesota Interfaith Coalition on Immigration
MomsRising
National Immigrant Justice Center
National Immigration Law Center
National Immigration Project (NIPNLG)
National Latina Institute for Reproductive Justice
National Network for Immigrant and Refugee Rights
New Jersey Alliance for Immigrant Justice
New Sanctuary Movement of Atlanta
New York Civil Liberties Union (Hudson Valley Regional Office)
New York Immigration Coalition
New York Legal Assistance Group (NYLAG)
Northern New Jersey Sanctuary Coalition
NYS Youth Leadership Council
Occupy Bergen County (New Jersey)
Office of Peace, Justice, and Ecological Integrity, Sisters of Charity of Saint Elizabeth
Pangea Legal Services
Parole Preparation Project
Pax Christi Maine
Pax Christi New Jersey
Pax Christi New York State
Pax Christi Northwest

Pennsylvania Council of Churches
Pennsylvania Immigration and Citizenship Coalition
POWER Live Free
Provincial Council Clerics of St. Viator
Rainbow Beginnings
RAPP Campaign
Respond Crisis Translation
Robert F. Kennedy Human Rights
Rocky Mountain Immigrant Advocacy Network
Service Employees International Union (SEIU)
Showing Up for Racial Justice
Shut Down Berks Coalition
SIREN
Sisters of Mercy of the Americas Justice Team
Social Action Committee of the Unitarian Universalist Fellowship of Athens Georgia
S.O.L.A.C.E - San Diego
Still Waters Anti-Trafficking Program
Sunrise Houston
Sunrise Movement
Sunrise Pennsylvania
Sunrise San Diego
Sunrise Tarrant County
Tahirih Justice Center
Team Libertad
Transcend Arizona
Transformations CDC
Unitarian Universalist Service Committee
United Church of Christ
United We Dream
The Village of Reading
Women's Refugee Commission
Workers Center of Central New York

Cc:

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