



ICE Issues Guidance on COVID-19

AILA Doc. No. 20031658 | Dated September 25, 2020 | File Size: 926 K

Please visit [ICE's website for the latest guidance on COVID-19](#). On its website, ICE provides the following information in five separate tabs: Overview and FAQs; Employee Confirmed Cases; ICE Detainee Statistics; Judicial Releases; and Previous Statements.

September 25, 2020

ICE updated its guidance on its response to the COVID-19 pandemic, including on how it has modified its enforcement efforts during COVID-19. ICE now states:

In light of lessons learned since the beginning of the pandemic and the ICE workforce's demonstrated ability to adjust and adapt to this environment, we are confident that our officers can properly and safely carry out operations. In our day-to-day operations the focus is, as it has always been, on public safety threats and those subject to mandatory detention while keeping in mind the safety and well-being of all involved.

Previously, ICE had stated that it would "exercise discretion to delay enforcement actions until after the crisis" for those individuals who do not fall in the above categories. ICE also removed language concerning its sensitive locations policy. Previously, ICE had stated that it would "not carry out enforcement operations at or near health care facilities."

August 12, 2020

ICE updated its guidance on its response to the COVID-19 pandemic, providing information regarding how it screens new detainees for COVID-19. ICE notes:

Effective June 4, 2020, ICE tests all new detainees who arrive at ICE-owned facilities for COVID-19 during the intake screening process. ICE houses all new arrivals separately (cohorted) from the general population for 14 days after their arrival, and monitors them for symptoms. IHSC isolates detainees with COVID-19 symptoms and observes them for a specified period, in accordance with CDC guidance. New arrivals who have negative test results and remain symptom free can join the general detained population after the 14-day intake period. Detainees who test positive for COVID-19 receive appropriate medical care to manage the disease.

ICE also provided [an infographic on detainee health care](#) during the COVID-19 pandemic.

July 7, 2020

ICE updated its guidance on its response to the COVID-19 pandemic, including fall 2020 semester guidance and related FAQs for nonimmigrant students and SEVP-certified schools, and on in-person immigration court at ICE detention facilities. ICE also provided updated statistics on employee confirmed cases, ICE detainee cases, and judicial releases.

June 2, 2020

ICE updated its guidance on its response to the COVID-19 pandemic, adding a breakdown of ICE detainees who've tested positive for COVID-19 by detention facility. As of 5/31/20, ICE had tested 2,781 detainees, resulting in 1,461 confirmed cases, and 754 positive cases in custody.

May 27, 2020

ICE updated its guidance on its response to the COVID-19 pandemic, adding updated information on how detainees can communicate with family members and others. ICE noted that it began "providing 520 minutes of free domestic or international phone or video calls per month to detainees on April 22 at all facilities served by Talton Communications (serving approximately 57% of the ICE population), and has been negotiating with all other facilities to provide 500 minutes or more." ICE also translated its guidance in several other languages including Spanish. As of May 27, 2020, ICE reported 1,327 confirmed cases of the coronavirus among detainees with 2,620 detainees tested. ICE also reported 44 confirmed cases among ICE employees at detention centers and 122 ICE employees not assigned to detention centers. As of May 21, 2020, ICE had released 372 detainees after court-order.

May 5, 2020

ICE updated its guidance on its response to the COVID-19 pandemic, adding information on the number of individuals who have been released as a result of judicial orders. As of May 5, 2020, ICE had released 192 detainees after court-orders. ICE also confirmed that out of 1,346 detainees tested for COVID-19, 674 have tested positive. In addition, 39 detention facility personnel and 102 ICE employees have also tested positive. ICE also noted that as of April 25, 2020, the total detained population was 29,675.

April 30, 2020

ICE updated its guidance on its response to the COVID-19 pandemic, including on what ICE is doing to take care of detainees during this crisis. ICE confirmed that out of 995 detainees tested for COVID-19, 449 have tested positive. In addition, 36 detention facility

personnel and 92 ICE employees have also tested positive. ICE also noted that as of April 25, 2020, the total detained population was 29,675.

April 24, 2020

ICE updated its guidance on its response to the COVID-19 pandemic, including on adjustments ICE has made to its payment process for bonds. ICE confirmed that 297 detainees, 35 detention facility personnel, and 88 ICE employees, have tested positive for COVID-19.

April 22, 2020

ICE updated its guidance on its response to the COVID-19 pandemic, including on what it is doing to ensure detainees in custody are well-cared for during this crisis. ICE stated that, as of April 19, 2020, it has administered 407 tests for COVID-19. ICE confirmed that 253 detainees, 32 detention facility personnel, and 86 ICE employees, have tested positive for COVID-19.

April 17, 2020

ICE updated its guidance on its response to the COVID-19 pandemic, including on immigration enforcement and check-ins and removals.

April 3, 2020

ICE updated its guidance in response to the COVID-19 pandemic. ICE updated information on visitation at detention facilities, including in-person legal visitation, and communication with detainees. ICE also released updated statements regarding detainees who have tested positive for COVID-19.

Regarding legal visitation, ICE now notes:

Detainee access to legal representatives remains a paramount requirement and should be accommodated to the maximum extent practicable. Legal visitation must continue unless determined to pose a risk to the safety and security of the facility.

Non-contact legal visitation (e.g., Skype or teleconference) should be offered first to limit exposure to ICE detainees, but in person contact should be permitted if determined essential by the legal representative. Prior to the in-person visit, the legal representative must undergo the same screening required for staff entry into the facility. The ultimate legal visit approving authority lies with the Warden or Facility Administrator; however, the facility should notify its local Field Office Director as soon as possible of any denied legal visits.

April 2, 2020

ICE released a statement noting that "a 33-year-old Dominican national in ICE custody at the Hudson County Correctional Center in Kearny, New Jersey and a 45 year-old Guatemalan national in ICE custody at the at the La Palma Correctional Center in Eloy, Arizona have tested positive for COVID-19."

March 30, 2020

ICE released a statement noting that "a 40-year-old Salvadoran national in ICE custody at the Bergen County Jail and a 22-year-old Salvadoran national in ICE custody at the Hudson County Correctional Center have tested positive for COVID-19."

March 24, 2020

ICE confirmed that as of March 24, 2020, one detainee, one detention facility employee or personnel, and 18 ICE employees, have tested positive for COVID-19. ICE also updated its guidance on legal visits and legal orientation programs at ICE detention facilities.

March 22, 2020

At 6:20 pm (ET), ICE communicated to AILA that, generally, only those conducting in-person contact visits need personal protective equipment (PPE) (UNLESS a particular facility has more restrictive rules), but that AILA members should still check with the facility on their individual policy.

March 21, 2020

ICE added language to its COVID-19 guidance stating that "ICE/ERO now requires all legal visitors, CODELs, and STAFFDELS to provide and wear personal protective equipment (PPE) (disposable vinyl gloves, N-95 or surgical masks, and eye protection) while visiting any detention facility." Local ICE offices have reached out to some chapters directly with similar guidance and have stated that visitors will have to provide the PPE themselves. It appears that this requirement will apply to courts operated by DHS and located in detention centers. There is no indication at this time that this requirement would apply to courts operated by EOIR and outside of detention centers.

March 18, 2020

ICE issued updated guidance on how it's handling COVID-19. ICE has revised the process for filing Form I-246, revised the timeline for individuals to report for their initial check-in with a local field office, and limited the acceptance of bonds to specific locations,

among other things.

ICE notes that as of 3/17/20, there are no confirmed COVID-19 cases in ICE detention facilities and is screening new detainees. ICE has temporarily suspended social visitation but non-contact legal visitations will continue to be permitted.

Has ICE modified enforcement efforts during COVID-19?

To ensure the welfare and safety of the general public as well as officers and agents in light of the ongoing COVID-19 pandemic response, U.S. Immigration and Customs Enforcement (ICE) will temporarily adjust its enforcement posture beginning today, March 18, 2020. ICE's highest priorities are to promote life-saving and public safety activities.

ICE Enforcement and Removal Operations (ERO) will focus enforcement on public safety risks and individuals subject to mandatory detention based on criminal grounds. For those individuals who do not fall into those categories, ERO will exercise discretion to delay enforcement actions until after the crisis or utilize alternatives to detention, as appropriate.

Homeland Security Investigations will continue to carry out mission critical criminal investigations and enforcement operations as determined necessary to maintain public safety and national security. Examples include investigations into child exploitation, gangs, narcotics trafficking, human trafficking, human smuggling, and continued participation on the Joint Terrorism Task Force. This work will be conducted based on ability to coordinate and work with prosecutors from the Department of Justice and intake at both the U.S. Marshals Service and Bureau of Prisons.

Consistent with its sensitive locations policy, during the COVID-19 crisis, ICE will not carry out enforcement operations at or near health care facilities, such as hospitals, doctors' offices, accredited health clinics, and emergent or urgent care facilities, except in the most extraordinary of circumstances. Individuals should not avoid seeking medical care because they fear civil immigration enforcement.

Updated 03/18/2020 7:45pm

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Cite as AILA Doc. No. 20031658.

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