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IMMIGRATION

ICE reverses COVID-19 measure, says it will resume arresting non-criminal migrants

BY [MONIQUE O. MADAN](#)

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The New York Times, in collaboration with The Marshall Project, investigated how Immigration and Customs Enforcement became a domestic and global spreader of the virus. BY THE NEW YORK TIMES

U.S. immigration officials quietly announced they would resume regular apprehension and detention practices, an apparent reversal from an earlier temporary suspension of non-criminal enforcement due to the COVID-19 pandemic.

Late Friday afternoon, U.S. Immigration and Customs Enforcement updated its [COVID-19 information webpage](#) to say that the agency is “confident that our officers can properly and safely carry out operations.”

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The statement continued: “To help mitigate the spread of COVID-19, we have taken several precautionary measures — from ensuring that our front-line operators have adequate personal protective equipment, maximizing telework for agency personnel whose duties do not require them to be in the office, completing temperature checks before removal, and requiring the isolating of detainees as appropriate to prevent the spread in detention facilities.”

The announcement — which was not sent out to media outlets, a break in the usual protocol — replaced an agency statement that ICE publicly [announced in March](#), when it said it would “adjust its enforcement posture.” The new statement no longer talks about using more “discretion” when arresting non-criminal undocumented migrants, an attempt to help stem the spread of the coronavirus.

In an email this week, ICE said the agency “does not exempt classes or categories of removable aliens from potential enforcement.”

During the pandemic, the agency had said it would focus its enforcement on “public safety risks and individuals subject to mandatory detention based on criminal grounds.” Examples included investigations into child exploitation, gangs, narcotics trafficking, human trafficking, human smuggling and terrorism. For people who aren’t a subject of those investigations, the agency said it would “delay enforcement actions until after the crisis.”

Unlike its prior announcement, ICE’s new statement omits information about any immigrant population it would avoid arresting and detaining.

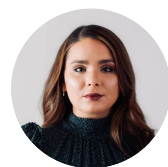
In an email, Andrea Flores, deputy immigration policy director for the American Civil Liberties Union, told the Miami Herald: “The pandemic is very much still ongoing, and disproportionately impacting Black and Brown communities.”

“More than 205,200 people in the United States have died from COVID-19, and more than 7.15 million people in the country have been diagnosed with the disease,” she said. “By resuming civil enforcement, ICE is increasing the likelihood that more immigrants and [Department of Homeland Security] staff will be exposed to this virus, not only in enforcement operations, but also in detention facilities.”

Over the weekend, a 56-year-old man held at a New Orleans ICE detention facility died from COVID-19, making him the eighth known person to die in immigrant detention after testing positive for the virus.

“ICE has repeatedly demonstrated its inability to provide safe and sanitary conditions — even in the best of circumstances. This is an overtly political decision 35 days from Election Day that will lead to even more avoidable deaths and COVID-19 infections,” Flores said. “ICE should be suspending civil immigration enforcement and reducing the number of people in immigration detention, not increasing the population with new arrests.”

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Monique O. Madan covers immigration and enterprise; she previously covered breaking news and local government. Her work has appeared in The New York Times, The Boston Globe, The Boston Herald and The Dallas Morning News. In 2019 she was a Reveal Fellow at the Center for Investigative Reporting. She’s a graduate of Harvard University, Emerson College and The Honors College at Miami Dade College. A note to tipsters: If you want to send Monique confidential information, her email and mailbox are open. You can find all her stories here: moniqueomadan.com. You can also direct message her on social media and she’ll provide encrypted Signal details.

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