

April 16, 2020

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Jason Owens
Chief Border Patrol Agent
Customs and Border Protection - Houlton Sector
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Dear Assistant Field Office Director Thurlow and Chief Border Patrol Agent Owens,

We write to express our concern over recent reports of harassment against immigrant communities during the COVID-19 pandemic, and to urge you to immediately suspend all civil immigration enforcement activities in Maine to protect individuals, officers, and the broader community.

Despite ICE's avowed plan to "delay enforcement actions,"¹ federal immigration officials in Maine continue to target immigrants and refugees. In fact, as COVID-19 was ramping up in Maine, one organization began to see ICE officers sitting in unmarked cars in their parking lot keeping watch over immigrants using the organization's services. This surveillance spreads fear in immigrant communities, at a time when we should be uniting to fight the common threat of COVID-19. We also hear from advocates that Latinx individuals, many with underlying health issues making them high risk, are so afraid about having an encounter with ICE or CBP that they will refuse to seek medical attention. Being afraid to leave home, even in the case of a medical emergency, due to fear of an encounter with ICE or CBP only makes all of us less safe.

There is ample precedent for suspending immigration enforcement during public emergencies. In 2018, the Department of Homeland Security suspended immigration enforcement in areas

¹ Maria Sacchetti & Arelis R. Hernandez, *ICE to stop most immigration enforcement inside U.S., will focus on criminals during coronavirus outbreak*, Wash. Post (Mar. 18, 2020), https://www.washingtonpost.com/national/ice-halting-most-immigration-enforcement/2020/03/18/d0516228-696c-11ea-abef-020f086a3fab_story.html.

affected by Tropical Storm Florence.² The same occurred following the wildfires in northern California.³ Last year, ICE temporarily suspended operations in advance of Tropical Storm Barry in areas projected to be impacted by the storm.⁴ Our current public health crisis poses an even greater public health risk, yet we continue to see these agencies carry on with business as usual. ICE and CBP should instead follow the lead of local police departments that are limiting operations to matters of public safety.⁵

Maintaining current ICE and CBP operations, including in-person check-ins with ICE, CBP interior checkpoints, and CBP roving patrols, contradicts the advice of federal and state officials and public health experts to exercise physical distancing. To slow the spread of the virus, the CDC recommends “limit[ing] close contact with individuals outside your household in indoor and outdoor spaces.”⁶ The need for physical distancing is indisputable.⁷

Continued enforcement also risks increasing the number of people in detention, an unacceptable result given the “imminent risks” such detention poses to the health and safety of immigrant detainees.⁸ Experts have warned that once an outbreak occurs in immigration detention, it will spread quickly and have a devastating impact.⁹ And it certainly does not help that the federal government recently rolled back conditions standards at immigration detention facilities.¹⁰

² Ledyard King, *Feds say they're not going after undocumented immigrants during Florence*, USA Today (Sept. 14, 2018), <https://www.usatoday.com/story/news/2018/09/14/fema-ice-cbp-dhs-suspend-immigration-enforcement-tropical-storm-florence/1304167002/>.

³ Dept. Homeland Sec., *DHS Statement Regarding Safety and Enforcement During Northern California Wildfires* (Aug. 06.2018), <https://www.dhs.gov/news/2018/08/06/dhs-statement-regarding-safety-and-enforcement-during-northern-california-wildfires>.

⁴ Rafael Bernal, ICE suspends immigration enforcement in New Orleans ahead of Barry, *The Hill* (July 11, 2019), <https://thehill.com/latino/452672-ice-suspends-immigration-enforcement-in-nola-ahead-of-barry>.

⁵ Sam Shepherd, *Central Maine police altering procedures in response to coronavirus*, *Kennebec Journal* (Mar. 17, 2020), <https://www.centralmaine.com/2020/03/16/central-maine-police-agencies-altering-procedures-in-response-to-coronavirus/>.

⁶ Centers for Disease Control and Preventing, *Coronavirus Disease 2019 (COVID-19) – Social Distancing* (April 04, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/social-distancing.html>.

⁷ Harry Stevens, *Why outbreaks like coronavirus spread exponentially, and how to 'flatten the curve,'* *Wash. Post* (Mar. 14, 2020), <https://www.washingtonpost.com/graphics/2020/world/corona-simulator/>.

⁸ Letter from Dr. Scott A. Allen, Professor Emeritus, Clinical Medicine University of California Riverside School of Medicine and Dr. Josiah “Jody” Rich, Professor of Medicine and Epidemiology, Brown University to Congress (Mar. 19 2020), <https://assets.documentcloud.org/documents/6816336/032020-Letter-From-Drs-AllenRich-to-Congress-Re.pdf>.

⁹ Letter from Medical Professionals to ICE Acting Director Matthew T. Albence (Mar. 19 2020), <https://nylpi.org/wp-content/uploads/2020/03/FINAL-LETTER-OpenLetter-to-ICE-From-Medical-Professionals-Regarding-COVID-19.pdf>.

¹⁰ Summary of Changes to ICE National Detention Standards, ACLU Foundation (last accessed Apr. 10, 2020), available at https://docs.google.com/document/d/1BbtQB0XG_C2mk1HRjMSqtjhBugRn6BHVlc0ZQwx0n5U/edit.

Continuing enforcement operations will not only place immigrants and refugees in danger but also ICE and CBP officers.¹¹ As long as operations continue as normal, staff will inevitably be exposed to COVID-19, who will then risk exposing family and community members.

Suspending civil enforcement operations during the state of emergency would ensure that immigrant communities and officers alike can engage in physical distancing, and also prevent unnecessary and potentially devastating detention. It will also help ensure that everyone, regardless of immigration status, can access health care and other essential services without fear.

Our nation faces an unprecedented health crisis, but you have an opportunity to help minimize the risks COVID-19 poses to us all. Suspending civil immigration enforcement activities during this state of emergency will save the lives of immigrants, ICE and CBP officers, facility staff and the broader community.

Thank you for your time and attention to this matter. Please let us know if you have any questions at all.

Sincerely,

American Civil Liberties Union of Maine

Hope Acts

Immigrant Legal Advocacy Project

Jewish Action Maine

Maine Access Immigrant Network

Maine Immigrants' Rights Coalition

Mano en Mano

Presente! Maine

Refugee and Human Rights Clinic - University of Maine School of Law

¹¹ Jake Bleiberg and Corey Williams, '*Officers are scared out there*': *Coronavirus hits US Police*, AP News (Mar. 28, 2020), <https://apnews.com/069d01bafbb1f15b1f6c4a4479ab1456>.