

Congress of the United States
Washington, DC 20515

August 3, 2022

The Honorable Alejandro Mayorkas
Secretary
Department of Homeland Security
2707 Martin Luther King Jr. Ave SE
Washington, DC 20528

The Honorable Tae Johnson
Acting Director
U.S. Immigration and Customs Enforcement
500 12th St SW
Washington, DC 20536

Dear Secretary Mayorkas and Acting Director Johnson,

We write to express our deep concern over the recent transfer of immigrant detainees from Orange County Jail (OCJ) in Goshen, New York. We request a full briefing to better understand the circumstances around the transfer and to express general concern over Immigration and Customs Enforcement's (ICE) transfer policy.

Last week, ICE transferred at least 65 detainees from OCJ, sending 61 of those individuals over 1,300 miles away to Adams County in Mississippi. Detainees were given almost no notice that they would be transferred out of the facility, let alone that they were being sent halfway across the country. While ICE stated that it followed its own detainee transfer policy, which has been in place since 2012, we find the policy significantly lacking.¹ Under ICE's policy, notice to attorneys is not required until 24 hours after the transfer occurs and there is no requirement to notify family at all.² This can lead to unnecessary concern and confusion for the detainee's counsel and family members.

As you know, OCJ is the closest ICE detention facility to New York City. Many individuals who are detained at this facility have family, support systems, and legal representation in the New York City area. It is extremely traumatizing for these individuals to lose those vital support systems as they prepare to make their case in immigration court proceedings.

Further, it is unclear if all protocols were followed to help stop the spread of COVID-19. The Department of Homeland Security (DHS) Inspector General (IG) recently noted that ICE is required to test all detainees before they are transferred or released. However, the DHS IG found

¹ Policy 11022.1: Detainee Transfers, Immigration and Customs Enforcement (Jan. 4, 2012), <https://www.ice.gov/doclib/detention-reform/pdf/hd-detainee-transfers.pdf>.

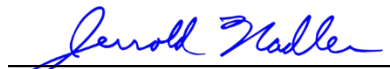
² *Id.*

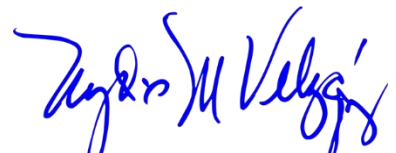
ICE “transported migrants without ensuring all migrants were COVID-19–negative before transport and did not retain complete transport records.”³ In May, New York City Council members and immigration advocates voiced concerns about a lack of COVID-19 protocols, inadequate medical care, and insufficient language services at OCJ after a tour of the facility.⁴ Further, as of July 29, 2022, OCJ is listed as a code “Red” facility as it relates to the spread of COVID-19.⁵ It is all the more concerning that these detainees were sent over 1,000 miles away to a different facility, given the concerns ICE has as it relates to OCJ and COVID-19.


As a result, we request ICE provide a briefing in the next week on the issue of transfers from OCJ, ICE’s transfer policy, and concerns over the continued spread of COVID-19.

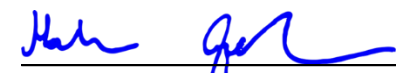
We appreciate your prompt response.


Sincerely,



Terrold Nadler
Member of Congress
Chair, Committee on the
Judiciary


Nydia M. Velázquez
Member of Congress


Sean Patrick Maloney
Member of Congress


Hakeem Jeffries
Member of Congress


Carolyn B. Maloney
Member of Congress


Grace Meng
Member of Congress

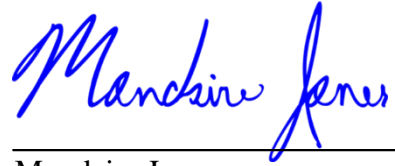
³ ICE Did Not Follow Policies, Guidance, or Recommendations to Ensure Migrants Were Tested for COVID-19 before Transport on Domestic Commercial Flights, DHS Office of the Inspector General, <https://www.oig.dhs.gov/sites/default/files/assets/2022-05/OIG-22-44-May22.pdf>

⁴ Fisayo Okare, *Advocates Raise Concerns About Orange County Jail After Rare Tour*, Documented (May 17, 2022), <https://documentedny.com/2022/05/17/orange-county-jail-covid-ny/>.

⁵ ICE Guidance on COVID-19, Immigration and Customs Enforcement, <https://www.ice.gov/coronavirus>



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