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Press Statement

SIX IMMIGRANT WOMEN OBTAIN THEIR RELEASE FROM EL PASO DETENTION CENTER, SETTLE LAWSUIT AGAINST ICE

El Paso – On Wednesday, April 29, 2020, U.S. Immigration and Customs Enforcement (ICE) released six immigrant women from federal custody after they sued ICE alleging due process violations from their continued detention at the El Paso Processing Center (EPPC).

The women, who are medically vulnerable due to their age and medical conditions, had been in close contact with people at the detention center who had tested positive for COVID-19, and were at high risk of contracting the disease and suffering serious illness, long-term injury, and death. The women alleged that ICE’s decision to continue detaining them despite the high levels of medical risk amounted to punishment in violation of the Due Process Clause of the U.S. Constitution. They alleged that ICE was not taking adequate steps to protect detained women, including social distancing, frequent hand-washing and cleaning, and use of masks and gloves.

On Monday, April 27, 2020, lawyers for the women, along with U.S. District Judge Frank Montalvo and lawyers for ICE, toured the detention center to see first-hand whether ICE staff were implementing “social distancing,” frequent hand-washing, and frequent cleaning and disinfection of hard and soft surfaces. The Centers for Disease Control and Prevention (CDC) has said that such measures are critical to mitigating the spread of COVID-19, especially in detention facilities where people live, sleep, and eat in close proximity to others. As of Tuesday, April 28, 2020, ICE reported 7 cases of COVID-19 among detained individuals at EPPC and one case of an ICE employee who works at EPPC; ICE does not report cases among contractors.

Judge Montalvo set a hearing on the case for Tuesday, April 28, 2020, but the parties settled the case just minutes before the hearing. ICE agreed to release the women from its custody. The women have agreed to comply with the ICE “alternatives to detention” program. Upon release, the women will be tested for COVID-19, quarantine themselves and access medical care as necessary, and be able to reunite with their loved ones in a safe manner afterwards. The women will be released to Annunciation House which is prepared to receive persons exposed or contracting COVID-19.

Christopher Benoit, one of the attorneys representing the women: “We are proud to represent such brave women. They stood up because ICE was not protecting them or the women around them. Release was the only safe outcome for these women. While we remain concerned for those who remain detained, we expect ICE to maintain the improvements in conditions at EPPC that were hastily put in place after the lawsuit was filed.”

Community advocates will continue to monitor EPPC to ensure that ICE officials take additional steps to mitigate the spread of COVID-19 at the detention center.

The women were represented by Ranjana Natarajan, Peter McGraw, Rebecca Sheff, and Christopher Benoit.