

'I don't want to die in detention:' COVID strikes CT man in ICE custody

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July 25, 2020

Sick with coronavirus, Bakhodir Madjitov is confined in a cell 23 hours a day in an Alabama immigration detention center a thousand miles from his wife and children in Connecticut.

For months, Madjitov, 38, worried that the virus would infect his 120-man unit at Etowah County Detention Center, where social distancing is impossible, cleaning is sparse, masks are for guards and transfers of detainees continue, according to inmates and their lawyers.

Madjitov watched as detainees fell ill with high fevers and ambulances arrived daily, he said. Then, Madjitov caught the fever.

Despite asking for a test multiple times, it took five days and a letter from his attorney for Madjitov to be tested for coronavirus, his lawyer Diana Blank of New Haven Legal Assistance said. On July 10, five days after his test, he received the result: positive.

As COVID-19 cases increase around the country, the virus is enveloping America's immigration detention system. According to data published by U.S. Immigration and Customs Enforcement, 3,780 detainees have or have had coronavirus as of Friday. 22,142 immigrants are now detained. Three deaths have been publicly reported.

About 16,500 detainees have been tested, or about 75 percent of the current detention population, ICE data shows.

“U.S. Immigration and Customs Enforcement (ICE) has been taking significant proactive measures to mitigate risks associated with COVID-19 since the start of the pandemic,” an ICE spokesperson said Friday. “ICE continues to follow recommendations outlined by the Centers for Disease Control and Prevention (CDC) for cleaning and disinfecting practices, and to incorporate additional CDC recommendations during the COVID-19 response, along with already established infectious disease monitoring and management protocols currently in use by the agency. ICE fully respects the rights of detainees to voice their concerns without interference and does not retaliate in any way against peaceful protests, to include hunger strikes.”

The Department of Homeland Security Inspector General - the government watchdog overseeing ICE - highlighted the spike in coronavirus cases in ICE detention facilities in mid-June, while noting the agency has taken actions to try to mitigate the spread.

“However, facilities reported concerns with their inability to practice social distancing among detainees, and to isolate or quarantine individuals who may be infected with COVID-19,” the inspector general wrote. “Almost all facility personnel stated they were prepared to address COVID-19, but expressed concerns if the pandemic continued to spread.”

During the pandemic, reporting confirms that ICE has continued to transfer detainees among facilities across the country and deport immigrants to other countries, actions contributing to the spread of the virus.

In March and April, coronavirus prompted a flood of administrative and legal actions seeking to remove immigrant detainees from ICE detention. Four months later, ICE has released more than 1,400 detainees, while lawyers fight for improved health care and more releases as infections rise in facilities across the country.

Litigating for release

Madjitov is seeking release to his family of U.S. citizens in Broad Brook, Connecticut.

Originally from Uzbekistan, he has never been arrested for or convicted of a crime but has been held in ICE custody since Dec. 2017. Most of that time, he has been detained in Alabama and he’s not seen his family for about two years, he said.

Madjitov came to the U.S. on a temporary visa for musicians and performers and began a lengthy process of applying for asylum and other immigration claims and appeals. He married, moved to Connecticut, started a family and worked as a home health aide.

Then, Madjitov was detained on the same day a family member of his was arrested for failure to disclose to the FBI knowledge of alleged terrorism activities in Syria, federal court documents that do not name Madjitov show. The government has not alleged any wrongdoing on behalf of Madjitov or his wife in connection with that case; he has never been accused of any criminal activity or failure to disclose information.

Madjitov’s lawyer alleges that he is being unconstitutionally targeted based on acts alleged to have been committed by a relative, and that it is because of this improper associational attribution that he was put in detention in the first place and remains in detention to this day. ICE was asked about his case, but did not comment on it.

Madjitov has been charged with an outstanding order of removal, and has immigration claims that continue to be litigated.

“Every day I worry about what’s going to happen if I get infected,” Madjitov said in a June phone interview before he was diagnosed with the virus. “My family they’re young. My kids they’re young. I want to go back to my family. I don’t want to die in detention.”

Since the pandemic started, Madjitov’s lawyer has twice submitted administrative requests for Madjitov’s release. Both were denied, according to communications obtained by Hearst Connecticut Media. Madjitov was a plaintiff in a class action lawsuit seeking the release of detainees with health conditions that make them vulnerable to COVID-19. The lawsuit was withdrawn after several months.

Diagnosed with cardiac and respiratory issues, according to medical exhibits included in his administrative filings, Madjitov is now experiencing liver and chest pain along with coronavirus

symptoms, Blank said. Documents show his lawyers requested ICE transfer to him to a hospital last week. That request was not been granted, Blank said, but ICE administered limited additional care to Madjitov, while keeping him and other coronavirus patients in isolation cells around the clock.

At Etowah, 20 detainees are now have or are being monitored for the virus in a new spike, ICE data shows.

Like Madjitov's, at least a dozen class action cases seeking the release of immigrant detainees for coronavirus-related reasons have been filed around the country and some have resulted in the release of hundreds of people into their communities, while remaining under ICE oversight. Several of the cases have involved immigration facilities in Massachusetts, Rhode Island and New Hampshire where Connecticut residents have been or are detained during the pandemic, according to the Connecticut Bail Fund.

Judges have also issued orders imposing testing requirements or blocking the transfer of detainees in some cases.

Like other congregate facilities, such as prisons, shelters and nursing homes, experts have agreed that ICE detention facilities have the potential to be super spreaders for coronavirus, impacting both the people inhabiting them and the communities where employees live.

“Medical care and sanitation at all these facilities were highly deficient before COVID hit,” said Eunice Cho, senior staff attorney at the American Civil Liberties Union, which has litigated for the release of immigrant detainees and visited detention centers before the pandemic. She said where ICE has conducted widespread testing and implemented other measures to stop the spread of the virus, “It has been purely the result of litigation where courts have ordered ICE to take on larger precautionary measures.”

As of July 20, ICE had released 505 immigrant detainees during the pandemic due to court orders, ICE reported. ICE said on its website some of these detainees have “extensive criminal histories and pose a potential public safety threat.”

The agency has also voluntarily released over 900 people after looking at their immigration history and evaluating their risk for COVID-19 using CDC guidelines. Overall, ICE reported that its detained population has steadily dropped by more than 7,000 individuals since March 1, as a result of the decrease in book-ins when compared to this time last year, combined with continued deportations.

Bristol County

Bristol County Detention Center in North Dartmouth, Mass., where many Connecticut immigrants are detained, had released 50 detainees as of June 23, as a result of a class action lawsuit filed in March by two immigrant plaintiffs represented by the Yale Law School Worker and Immigrant Rights Advocacy Clinic and the firm WilmerHale.

On May 1, a fight erupted between guards and detainees at Bristol County after 10 detainees reported several symptoms of COVID-19 but refused to go to the medical wing out of fear they would be held with other infected individuals, multiple news outlets have reported. Guards were deployed in riot gear and used dogs and tear gas or pepper spray to remove the individuals in a combative melee.

A complaint filed June 11 by eight immigration groups to the Massachusetts Department of Public Health detailed this incident, unsanitary conditions in the facility and alleged retaliation against detainees who spoke up about unsafe health conditions. The groups requested an investigation by the Department of Public Health.

“People in immigration custody have reported blood and feces in their cells, lack of clean clothing, freezing temperatures, broken bathrooms, and denial of access to medical care and prescribed medications,” said Vanesa Suárez, deportation defense organizer at Connecticut Bail Fund. “The health of those inside is in severe crisis. They’re essentially being forced to starve.”

Massachusetts DPH investigated in June and identified issues with plumbing, the size of cells, food storage and preparation and inadequate education of inmates on COVID-19. It also reported that the facility is not widely testing, but testing and isolating individuals with symptoms, likely exposure or who requested. The investigators found the detainees had sufficient access to health care and medications.

Around the country, both detainees and the employees who guard them have fallen ill with COVID-19. There were 45 cases among ICE employees at detention facilities, ICE reported on June 18. More recent data has not been published.

“It’s really not ICE’s staff that’s really on the front lines,” Cho said. “80 percent of ICE detainees are currently held at privately owned or privately managed facilities... ICE is not reporting the number of guards employed by these third-party contractors who are coming down with COVID-19. Just from independent media reports, those numbers are staggering and in fact five guards in the ICE detention system have died already.”

The DHS inspector general noted in June that ICE officials had concerns about their ability to staff facilities and obtain personal protective equipment if outbreaks spread in ICE facilities.

Alternatives to detention

ICE can use electronic monitoring as an alternative to detention and require released immigrants to check in with courts regularly, said David Bier, an immigration policy analyst at the Cato Institute. Greater than 90 percent of people comply with these checks, he added.

“The downside [of release] from ICE’s perspective is that they will lose track of them, they won’t be able to effectuate deportation orders and that’s their mission,” Bier said. “Obviously if anyone who was released committed a crime, ICE would feel culpable for that. Those two concerns are the ones they cite.”

Madina Mamadjonova said in a phone interview she hopes her husband of nine years, Madjitov, can be released to her at their home in Broad Brook to help her care for their children.

Before the pandemic, she protested for his release. Now, unemployed with her three young sons at home, Mamadjonova tries to fight despair as she speaks to a sick Madjitov by phone a thousand miles away.

“We are all exhausted right now in our condition,” said Mamadjonova, 29, in a recent interview.

“We feel like we are not alive. We are not dead either,” she said. “But I am going to fight for him to the end.”