



# To slow pandemic, Trump should release nonviolent migrants from detention centers

Laurence Benenson and Jonathan Haggerty

April 15, 2020

Coronavirus is already at the doors of immigration detention centers across the country, where social distancing is not feasible.

With growing numbers of migrants and employees at Immigration and Customs Enforcement detention centers across the country testing positive for the virus, immigrant detainees are protesting to secure better conditions and filing lawsuits to obtain their release from custody.

The number of cases will surely continue to climb. As the virus spreads within more detention facilities, it will threaten not only immigrants but also attorneys, visitors, guards, maintenance staff and others — who will in turn spread COVID-19 further into their communities.

There is no reason to put these communities at risk or to waste limited resources, such as tests and personal protective equipment, on patients who never should have been infected. That's why we are calling on ICE to immediately release all immigration detainees who do not have convictions for serious offenses and shift toward alternatives to detention.

## **Release wouldn't hurt public safety**

A clear majority of the detained immigrant population has never been convicted with a violent or other serious criminal offense and does not pose a risk to public safety. In fact, as of last April, 63 percent of ICE detainees had no criminal conviction. And of those detainees who do have criminal records, ICE categorizes 54 percent of individuals as having "level 3" violations, the least serious category, meaning their convictions were for minor offenses, like traffic tickets, or immigration offenses, like illegal entry.

Clearly, there is ample opportunity to thin out immigration detention centers in accordance with Centers for Disease Control-recommended social distancing practices.

Many current detainees already have family members in the U.S. and can quickly arrange safe sheltering in place. Transferring immigration detainees who lack criminal convictions for serious offenses to the homes of family members or other individuals who are willing to host them would be much safer from the standpoint of public health.

## **Alternatives to detention work**

Rather than detaining migrants before their hearings, the administration can rely on alternatives to detention, which have proven to be safe and effective while saving taxpayers money. Alternatives such as tracking devices and case management can continue to be used to ensure immigrants show up to court hearings and comply with rulings, while using technology like GPS and videoconferencing to support social distancing practices. According to the Cato Institute, alternatives to detention have been effective as much as 90 percent of the time, ensuring that migrants in the system attend hearings and that immigration court orders are carried out.

By shifting away from detention, the administration would protect tens of thousands of migrants, including children and at-risk individuals, from a dangerous pandemic during which even asymptomatic individuals can spread the virus to others.

It would protect the health of workers at these facilities, as well as their families. And it would protect the American public by reducing the spread of the disease outside detention center walls.

Lessening the share of immigrants in detention would also promise to reduce strain on our overburdened health care system. Individuals in ICE custody who become sick may be transferred to health care facilities available nearby. If more immigrant detainees contract the virus, hospitals may be flooded with yet another influx of patients.

Worse, roughly a third of immigrants in detention are housed at facilities that have either one or zero hospitals with intensive-care beds within 25 miles. An outbreak in any of those areas would overwhelm local health care systems, cause a shortage of beds and ventilators, and lead to unnecessary deaths. Two Department of Homeland Security medical experts sent a letter to Congress warning of this “tinderbox scenario.”

The benefits of minimizing immigration detention during the coronavirus pandemic are obvious. With thousands of lives in the balance, the Trump administration should immediately begin to reduce the number of immigrants in detention.