

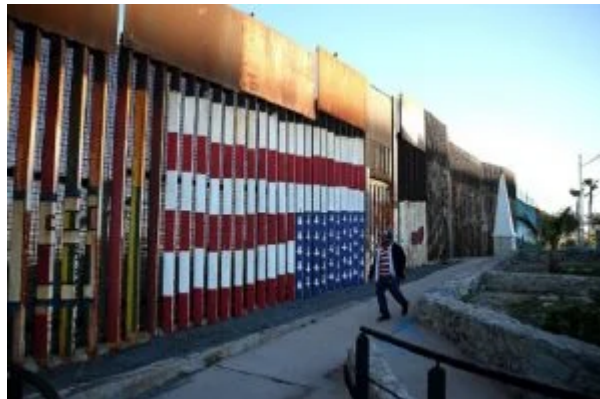
IMMIGRATION

ICE Is Lying About Its COVID-19 Death And Testing Rates

Finally, immigrants have found a way out of immigration prison: be on death's door.

By LORELEI LAIRD

at 10:47 AM



(Photo by Justin Sullivan/Getty Images)

Everybody get your surprised faces ready, because today, I'd like to tell you about how ICE is manipulating its statistics on COVID-19 in the immigration jails, and endangering a lot of people's lives in the process. (And by jail, I meant "civil detention of people who have mostly not been accused of any crime." Oopsies!)

If you look at the detainee statistics DHS offers publicly on COVID-19, you will see a very high success rate for avoiding COVID-19 cases. Their website says that, as of August 14, they have had a total of five deaths and 4,721 confirmed cases in custody, out of a detained population of 21,402. That's remarkably good for an institutional setting, where the Centers

As it turns out, these remarkable numbers were not achieved through tender care of the vulnerable people in ICE custody, but through blatant manipulation of the statistics. A recent PBS Frontline piece on this lays out how ICE keeps its COVID-19 death numbers so low: It waits until people are very sick and then discharges them from custody. If they die, or manage not to die but rack up huge hospital bills, or can't find anyone willing to house them because they're sick, too bad. What's more important here: human life, or making Trump immigration policy look good?

The COVID-19 testing numbers ICE reports on its website are even more impressive than their reported death rate. In fact, as of August 14, the website says they've tested roughly 2,500 more detainees than they had in custody. This could be the result of testing certain people more than once, or possibly the testing number is cumulative. I don't know. What I do know is that at least three federal courts have had to order ICE to do the widespread COVID-19 testing that it claims it's already doing.

Last Sunday evening, in fact, a Northern California district court made an emergency order requiring ICE to test everyone detained or working at ICE's Mesa Verde Processing Facility. Judge Vince Chhabria said ICE and its private prison contractor, the GEO Group, showed "deliberate indifference" to the pandemic by refusing to test staff or detainees. In another case the ACLU brought in Maryland, a federal judge found that an ICE official's statement, made under penalty of perjury, that there were zero cases in a certain jail was "demonstrably false."

And earlier this month, the ACLU of Southern California discovered that ICE has refused let to GEO jailers at the Adelanto Processing Center actually use the 1,900 test kits they received via overnight courier back in May. As a result, exactly one of the 305 detainees who had symptoms between March 1 and July 15 was tested. A federal court actually ordered Adelanto to follow CDC guidelines for prisons back in April, and the ACLU has asked it to enforce that order.

As a result of all this "deliberate indifference," the cross-border immigrant advocacy group Al Otro Lado has started asking for volunteer lawyers to draw up estate plans for detainees,

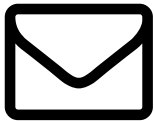
country treated immigrants like human beings.

Lorelei Laird is a freelance writer specializing in the law, and the only person you know who still has an “I Believe Anita Hill” bumper sticker. Find her at wordofthelaird.com.



TOPICS

Coronavirus, COVID-19, ICE, Immigration, Lorelei Laird



**Love ATL? Let's make it official.
Sign up for our newsletter.**

Your email address

Subscribe

- News (daily updates)
- Partner Issues
- Small Law Firms
- In-House Counsel
- Legal Technology
- Law Schools
- ATL Trivia

We will never sell or share your information without your consent. See our [privacy policy](#).

FROM THE ABOVE THE LAW NETWORK