
How Local Leaders Can Ensure Immigrant Justice During COVID-19

May 2020

Our immigration system is on the threshold of a new crisis precipitated by the COVID-19 pandemic. Some immigrants already face the threat of permanent separation from their families and communities, and many also face the threat of violence and even death upon deportation. Now, immigrants are also grappling with a growing health threat. With enforcement by U.S. Immigration and Customs Enforcement (ICE) ongoing during the pandemic, people continue to enter immigration detention centers, exacerbating the already dire conditions inside. People in detention face high risks of infection from the close quarters of facilities, shelters, and courtrooms, and they lack adequate sanitation, health care, and protective measures.¹ The frequent transfer of people throughout the immigration detention system also contributes to the rapid spread of the virus. Even with limited testing, confirmed cases in ICE detention continue to skyrocket, with more than 1,000 people testing positive for COVID-19 as of May 9, 2020.² The number of children in the custody of the Office of Refugee Resettlement (ORR) testing positive is also on the rise, according to a May 14, 2020, statement by ORR.

Moreover, unlike in criminal court, immigrants facing deportation do not have the right to a lawyer even if they cannot afford one, leaving most without access to legal representation.³ As local leaders seek to protect immigrant communities during the COVID-19 crisis, safeguarding access to legal services for everyone—particularly immigrants in detention or those at risk of detention and their families—is of critical importance. Having access to a lawyer is especially vital during a pandemic, as detained immigrants with legal representation are three times more likely to be released and 10.5 times more likely to establish their right to remain in the United States.⁴ Since the onset of the current crisis, lawyers have been on the front lines advocating for the release of people in detention.

During the COVID-19 crisis, ensuring access to justice for the most vulnerable in our communities—particularly immigrants in detention, those at risk of detention, and their families—sends the message that everyone must be treated with dignity and fairness in order to keep the entire community healthy. The Vera Institute of Justice (Vera) created this guidance brief to equip local leaders with practical actions and policy solutions to ensure access to justice for all amid the COVID-19 pandemic.

Local leaders must act now to protect immigrants from COVID-19

To protect equal access to justice, local leaders should pay particular attention to those who are most vulnerable, including immigrants in detention, those at risk of detention and their families, and/or those with underlying medical conditions.

Specifically, we recommend taking the following actions in your community:

- **Provide direct financial relief and COVID-19 support services regardless of immigration status.** Ensure that support services, including coronavirus hotlines, are providing assistance regardless of immigration status. Ensure universal access to COVID-19 testing, treatment, and services. Establish local relief funds for immigrants not included in federal response programs. Take measures to prevent immigration enforcement in your community. Fostering trust with local institutions and protecting fundamental dignity and fairness encourages equal access to justice.

Case in Point

Chicago Mayor Lori Lightfoot issued [an executive order](#) ensuring that all residents, regardless of immigration status, can access city services and benefits, including the city's new COVID-19 Housing Assistance Grant program. In addition to direct relief measures, Lightfoot also committed to continuing support for the city's Legal Protection Fund.

- **Make COVID-19 response measures and resources available to non-English speakers.** Disseminate information about support services, including legal services, in multiple languages and in collaboration with community-based organizations.
- **Be responsive to community organizations.** Create opportunities to communicate with and regularly hear from community-based organizations representing immigrants regarding local needs and challenges and connect them to local legal services. Convening community-based organizations and legal services organizations through virtual methods is an example of meaningful action and collaboration to protect access to legal services for all.
- **Develop policy solutions to minimize the impact of COVID-19 on immigrant communities, including your constituents who are in detention.** Hold a city council meeting or public oversight hearing to elevate the challenges of detained immigrants in the community and their family members. Specifically, review and address access to legal representation for detained

immigrants and encourage input on policy solutions by experts, legal service providers, and community members.

- **Elevate the stories of immigrants impacted by COVID-19 in your community.** Across the country, immigrants are frontline workers. Many of them put their lives at risk every day, often without access to personal protective equipment or even health care. Release public statements of appreciation and support for immigrant communities by elevating the stories of immigrant health workers and other frontline workers as well as people in detention. This can also be a great time to lift up stories of newcomers and longtime residents working hand in hand for a common goal (such as distributing masks and food to the elderly). These messages of compassion, unity, fairness, and basic dignity help to restore hope and increase social cohesion.
- **Work with legal service providers in your jurisdiction to develop a referral list of legal and social services resources for immigrants.** Also, ensure that immigrants are encouraged to reach out to local officials or immigrant affairs services for individual assistance without fear. Resources and notices should make clear that immigrants can contact legal access services and programs remotely during the pandemic.
- **Continue to invest in and grow publicly funded legal representation programs.**⁵ These programs are leading the way in ensuring that all people facing detention and deportation have access to a lawyer even if they cannot afford one. Such representation is critical to releasing immigrants in detention and to protecting them further under the current pandemic. Ample evidence demonstrates that these programs work and benefit the entire community.⁶ Support for universal representation and legal representation programs is needed more than ever.⁷

Case in Point

Local SAFE Network government leaders recently joined with Vera to [speak out](#) for the release of immigrants languishing in detention during this crisis and recommitted support for local deportation defense programs critical to their release.

Los Angeles Mayor Eric Garcetti proposed [\\$1 million](#) for the Los Angeles Justice Fund, a deportation defense fund, in the city's FY21 budget. The city's support for publicly funded legal representation comes in addition to local direct COVID-19 relief programs.

- **Reduce your local jail population and halt transfers from your jails to ICE.** It is more critical than ever to reduce your local jail populations and prevent transfers from your jails to ICE detention.⁸ Work with governors and state officials to suspend the transfer of people leaving state custody to ICE.

Local leaders can also use their voices to advocate for change at the federal level:

- **Call for the release of immigrants from detention.** Advocate to the federal government, release public statements, pass local resolutions, and publicly elevate the message that immigrants should be released from detention immediately, prioritizing those with medical vulnerabilities.

Case in Point

The County Council of Prince George's County, Maryland, enacted a [resolution](#) recognizing the public health risks of immigrant detention.

The Mayor of St. Paul, Minnesota, Melvin Carter, and the Ramsey County Board of Commissioners [spoke out](#), calling for immediate measures and releases to protect detained immigrants amid COVID-19.

- **Support the halt of federal immigration enforcement in your community.** Use your platform to convey that immigration enforcement actions, including raids and arrests, should stop immediately.
- **Advocate for the end of immigration court hearings for unaccompanied children.** Support efforts to halt all immigration court hearings for children during the pandemic, as well as all hearings except bond hearings for adults. At the same time, work to ensure that legal access for immigrants, including through existing legal access programs, continues.

Resources

[Welcoming America's COVID-19 Resources](#)

[Shared Crisis, Shared Solutions](#): State and Local Advocacy for an Immigrant-Inclusive Response to the COVID-19 Crisis (National Immigration Law Center)

[Guidance for Preventive and Responsive Measures to Coronavirus for Immigration System Actors](#) (Vera Institute of Justice)

Vera Institute of Justice's [SAFE Network](#)

[Immigrant Justice and the COVID-19 Pandemic](#) (Vera Institute of Justice)

[The Coronavirus Response](#): Spotlight on State & Local Governments (The Appeal)

ACLU Template [Letter](#) to Local Jail Prison and Detention Center Administrators

The Leadership Conference on Civil and Human Rights [Letter](#) to Governors, Mayors, and Sheriffs

[Supporting Immigrants During the COVID-19 Outbreak](#) (Local Progress)

[State and Local COVID-19 Response Funds That Provide Cash to Residents](#) (Local Progress and the Center for Popular Democracy)

For more information

© 2020 Vera Institute of Justice. All rights reserved.

For more information about this guidance brief or Vera’s SAFE Network, contact Annie Chen, program director, SAFE Network, at achen@vera.org. The Vera Institute of Justice is a justice reform change agent. Vera produces ideas, analysis, and research that inspire change in the systems people rely on for safety and justice and works in close partnership with government and civic leaders to implement it. Vera is currently pursuing core priorities of ending the misuse of jails, transforming conditions of confinement, and ensuring that justice systems more effectively serve America’s increasingly diverse communities. For more information, visit www.vera.org.

Endnotes

¹ Erica Bryant, “Detention May Become Death Sentence for Vulnerable Detainees,” Vera Institute of Justice, March 25, 2020, <https://www.vera.org/blog/covid-19-1/detention-may-become-death-sentence-for-vulnerable-detainees>; and Memorandum from Jennifer L. Costello, Acting Inspector General, U.S. Department of Homeland Security to Kevin K. McAleenan, Acting Secretary, U.S. Department of Homeland Security, re: Management Alert—DHS Needs to Address Dangerous Overcrowding and Prolonged Detention of Children and Adults in the Rio Grande Valley, July 2, 2019, https://www.oig.dhs.gov/sites/default/files/assets/2019-07/OIG-19-51-Jul19_.pdf.

² U.S. Immigration and Customs Enforcement, “ICE Guidance on COVID-19: Confirmed Cases,” <https://www.ice.gov/coronavirus>.

³ Karen Berberich and Nina Siulc, *Why Does Representation Matter?* (New York: Vera Institute of Justice, 2018), <https://www.vera.org/downloads/publications/why-does-representation-matter.pdf>.

⁴ Ibid.

⁵ Melissa Garlick, “Communities Need State and Local Deportation Defense Programs Now More Than Ever,” Vera Institute of Justice, May 12, 2020, <https://www.vera.org/blog/covid-19-1/communities-need-state-and-local-deportation-defense-programs-now-more-than-ever>.

⁶ Karen Berberich, Annie Chen, Corey Lazar, and Emily Tucker, *Advancing Universal Representation: A Toolkit: The Case for Universal Representation* (New York: Vera Institute of Justice, National Immigration Law Center, and Center for Popular Democracy, 2018), <https://www.vera.org/advancing-universal-representation-toolkit/the-case-for-universal-representation-1>.

⁷ For information on how to set up a program, contact the [Vera Institute of Justice](#) and see *ibid*.

⁸ Vera Institute of Justice, “COVID-19: Criminal Justice Responses to the Coronavirus Pandemic,” <https://www.vera.org/projects/covid-19-criminal-justice-responses/covid-19-data>.