



March 23, 2020

The Honorable Andrew M. Cuomo  
Governor of New York State  
NYS State Capitol Building  
Albany, NY 12224

The Honorable Phil Murphy  
Governor of New Jersey  
225 West State Street  
Trenton, NJ 08625

Ron Edwards  
Director of Corrections  
Hudson County Corrections and Rehabilitation  
30-35 Hackensack Avenue  
Kearny, NJ 07032

Anthony Valnieri, Jr.  
Chairman, Board of Chosen Freeholders  
Hudson County Board of Chosen Freeholders  
567 Pavonia Avenue  
Jersey City, NJ 07306

To the Honorable Governor Cuomo, Honorable Governor Murphy, Director Ron Edwards and Chairman Anthony Valnieri, Jr.,

The Rapid Response Legal Collaborative (RRLC), a New York State and New York City funded collaborative comprised of Make the Road New York, New York Legal Assistance Group (NYLAG) and UnLocal, Inc. provides legal representation to individuals at risk of imminent deportation along with Make the Road New Jersey, **urgently call on Governors Andrew Cuomo and Phil Murphy and Director of Corrections, Ron Edwards and Chairman of Board of Chosen Freeholders, Anthony Valnieri, Jr., to immediately:**

- (1) **demand** the immediate halt of all Immigration and Customs Enforcement (ICE) enforcement operations in New York and New Jersey,
- (2) **demand** the release of all detainees held by ICE in New York and New Jersey,
- (3) **demand** that detainees be kept in 3d Cir and 2d Cir detention centers and not be transferred to other states at risk of exposing those other states to COVID-19 if ICE refuses to release them.

As COVID-19 rapidly spreads throughout both states, thousands of people are held in ICE prisons in facilities ill-equipped to properly screen and/or care for affected individuals, all of whom are at great risk of exposure, serious illness and death. ICE detention facilities are woefully unable to comply with the required “social distancing” to contain the COVID-19 spread, and the poor medical care provided by ICE at its facilities has been well documented. It is simply unconscionable that ICE continues to imprison these individuals despite the grave risk to their well-being and to the greater public health and safety of New Jersey and New York State residents.

With the COVID-19 crisis intensifying, attorneys across New York and New Jersey have furiously requested humanitarian parole for immunocompromised detainees, hoping to obtain the release of the most vulnerable. Even this has proven to be impossible thus far. Meanwhile, detention centers across the two states have imposed stricter and stricter restrictions on life within the facilities, and on both public and professional access to detainees. **The Hudson County Correctional Facility, located in Kearny, NJ and which houses hundreds of New York residents, confirmed two cases of COVID-19 on Sunday, March 22nd. It is now on a complete lock-down for two weeks.** ICE detainees, who range from long time lawful permanent residents to individuals seeking asylum, are required to remain in their cells 24 hours a day, allowed out only to bathe and make personal telephone calls.

All ICE detention centers now prohibit visits with loved ones, and professional visits have been severely curtailed. With Hudson on complete lock-down, attorneys can no longer speak with clients confidentially. We are able to speak to them only via telephone, and those conversations are recorded by the facility. The Essex County Jail has restricted professional visits to “no-contact,” and has further restricted the hours of these visits. On Tuesdays, Thursdays and Saturdays, visits are allowed only from 7 a.m. to 11 a.m.

**The restrictions imposed—most severely by the Hudson County Correctional Facility—are unfathomable restrictions on liberty imposed by the federal government on individuals held in their custody when there is an eminently reasonable alternative available: release.** Respectfully, we remind the Governors that ICE detainees are held on civil violations. Even those who have a criminal conviction have already served their time.<sup>1</sup> And yet, there they are, behind bars, forced to spend the bulk of their days inside, and unable to see the most important

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<sup>1</sup> The Rapid Response Legal Collaborative believes that all prisoners are at great risk of becoming infected with COVID-19 and we strongly encourage the Governors to consider all available methods to best protect this very vulnerable population, including the mass release of detainees.

people in their lives. And all of this during a global pandemic where they just wait, anticipating the spread of the virus like wildfire throughout the prisons. This contamination will inevitably impact the greater public health of New York and New Jersey, as prison staff will be exposed and easily infect others with whom they interact.

Governors, we implore you to demand the immediate halt of all ICE enforcement operations and the immediate release of all ICE prisoners currently held in your states. ICE detention is always unnecessary. But today, during this global pandemic, it is unconscionable, and the risk it poses to the health of every New Yorker and every New Jersey resident is so great as to warrant the immediate release of each and every individual currently in ICE custody.

Respectfully,

**The Rapid Response Legal Collaborative**

*Make the Road New York*

*NYLAG*

*UnLocal, Inc.*

and

*Make the Road New Jersey*