



Through evidence,
change is possible.

Physicians for
Human Rights

256 West 38th Street
9th Floor
New York, NY
10018

+1.646.564.3720
phr.org

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
Department of Homeland Security
2707 Martin Luther King Jr Ave SE
Washington, DC 20528

April 1, 2021

Dear Secretary Mayorkas,

I write on behalf of Physicians for Human Rights (PHR) to respectfully request an update on plans to improve COVID-19 vaccine access for people held in U.S. immigration detention. As you can appreciate, this is an extremely time-sensitive matter for a highly vulnerable population whose health is the responsibility of Immigration and Customs Enforcement (ICE) while they are detained. The number of [COVID-19-related deaths in custody](#), and immediately following release, continues to increase. Although release of people from immigration detention is the [most appropriate solution](#) to this crisis, it is also an urgent human rights issue to ensure that detainees have timely access to the potentially lifesaving COVID-19 vaccine. PHR submits this letter based on more than 30 years of experience documenting health and mental health risks in immigration detention, providing medical and psychological evaluations for individual clients, and producing peer-reviewed articles and national research reports, including one based on [interviews with 50 people held in ICE detention during the pandemic](#) that shows ICE's cruel and callous treatment of detainees and failure to ensure safe conditions.

[Guidance from the Centers for Disease Control and Prevention](#) indicates that people living in congregate settings, including detention facilities, should be vaccinated at the same time as staff, during Phase 1. PHR recognizes that states ultimately decide on vaccine prioritization and rollout, but more than two-thirds of all states are already in Phase 2 of vaccine rollout – making all residents 16 years of age and older eligible for vaccination – or have announced plans to do so in the coming weeks. People living in congregate settings, including immigration detention, should therefore have already been made eligible for vaccination or should be included in imminent plans to receive vaccination. However, recent public reporting has revealed a [concerning lack of clarity](#) and [no clear plan](#) to ensure that people in ICE detention facilities receive the vaccine. Federal and state officials appear to be confused about who is responsible for obtaining vaccine supply and administering it. The finger-pointing across jurisdictions to deflect responsibility has left detainees, providers, advocates, and the public in the dark. Most importantly, it continues to leave unvaccinated a population that is highly vulnerable to infection.

This letter serves as a request for detailed information on the Department of Homeland Security's (DHS) plan to ensure the timely vaccination of people in ICE detention. We also respectfully submit the following recommendations for DHS:

1. **Issue an unequivocal public statement that all people in immigration detention should be vaccinated as a priority population.** While acknowledging the important role states and localities play in vaccine rollout, there must be an indication from federal authorities that vaccinating people in immigration detention is a priority. As the agency responsible for ensuring the health and safety of people in immigration detention centers, DHS must play a clearer role in ensuring access to vaccines and coordinating with the appropriate state and local authorities.
2. **Ensure that vaccine supplies are reserved for people in immigration detention.** Consider direct allocation of federal vaccine supplies to detention centers, as the Bureau of Prisons already does for people in other federal detention facilities. Alternatively, or additionally, ensure that state public health authorities dedicate a specific proportion of their vaccine allocations to people in immigration detention facilities located in their states.



- 3. Provide community legal and social service providers and advocates with access to detention facilities to communicate with detainees about the vaccine.** Clear messaging on vaccination plans must be delivered to people in detention by trusted sources.

Given the time-sensitive nature of this inquiry, we appreciate your fastest possible response, laying out DHS's comprehensive plan to vaccinate all people in immigration detention who wish to receive inoculation. Barring an indication that DHS is prepared to ensure timely vaccination, we urgently request that DHS release detained people safely as soon as possible so they may observe safe pandemic protocols and receive vaccination in the community. PHR staff, advisors, and our extensive network of medical, public health, and immigration experts are available for consultation and to meet with DHS authorities responsible for the health of people in detention. Thank you for your attention to this critical human rights issue.

Respectfully,

Kathryn Hampton
Senior Officer, Asylum Program
khampton@phr.org
asylum@phr.org

CC:

Dr. Pritesh Gandhi
Chief Medical Officer
Department of Homeland Security
2707 Martin Luther King Jr Ave SE
Washington, DC 20528

Tae Johnson
Acting Director of U.S. Immigration and Customs Enforcement
500 12th St., SW
Washington, DC 20536