

# Institutional Injustice

## OVERVIEW

In September 2020, the Tahirih Justice Center began looking into the effects of the COVID-19 pandemic on immigration detention. Over the course of our research, we discovered three main areas of concern: privatized detention, access to legal services, and safety for people in detention.

As of January 2021, 81 percent of all immigration detention beds are managed by private prison corporations. These corporations are paid by the U.S. government per bed, and many of their contracts include a minimum number of beds that U.S. taxpayer dollars will pay for regardless of whether they are filled. Both the pay-per-bed model as well as guaranteed minimums are policies that financially incentivize increased detention. During a pandemic, policies like these are particularly dangerous as the greatest strategy for reducing the spread of COVID-19 within detention centers is proper social distancing and a decrease in the detention population.

Access to legal services for people jailed by ICE has also worsened during the pandemic. Attorneys report inconsistent ability to meet with clients privately over the phone and state that it varies widely between detention centers how much and how regularly they can speak to their clients.

Attorneys also report great concern for the health and safety of their clients in immigration detention. ICE has a long history of neglect, poor sanitary conditions, and disease outbreaks. These past indicators paint a picture of an environment that is conducive for the rapid spread of disease. Between March 2020 and June 2021, there have been 17,519 reported cases of COVID-19 among people in ICE Custody. Due to under testing and under-reporting, this number is likely a gross underestimate.

**Ultimately, the reliance on private prisons, lack of reasonable pathways to legal access, and hazardous health and safety conditions in immigration detention have led to thousands of lives being put at risk.** Without immediate action, COVID-19 will continue to spread within detention centers and endanger thousands more.

## KEY RECOMMENDATIONS

- ICE must release any detainees who can be paroled or released from detention on other grounds.
- ICE must provide improved access to physical and mental health services that are trauma-informed, culturally-specific, voluntary, and responsive to the needs of each detainee.
- ICE must mandate adherence to COVID-19 protocols and institute a robust system of oversight to ensure accountability and safety.
- Congress must stop funding immigration detention at its current volume and mandate an end to contracts with private facilities.