



THE PERMANENT MISSION  
OF THE  
UNITED STATES OF AMERICA  
TO THE  
UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS  
IN GENEVA

May 10, 2021

Felipe González Morales  
Special Rapporteur on the human rights of migrants  
Geneva, Switzerland

Elina Steinerte  
Vice-Chair of the Working Group on Arbitrary Detention  
Geneva, Switzerland

Dante Pesce  
Chair-Rapporteur of the Working Group on the issue  
of human rights and transnational corporations and  
other business enterprises  
Geneva, Switzerland

Tlaleng Mofokeng  
Special Rapporteur on the right of everyone to the  
enjoyment of the highest attainable standard of  
physical and mental health  
Geneva, Switzerland

Jelena Aparac  
Chair-Rapporteur of the Working Group on the use  
of mercenaries as a means of violating human  
rights and impeding the exercise of the right of  
peoples to self-determination  
Geneva, Switzerland

Nils Melzer  
Special Rapporteur on torture and other cruel,  
inhuman or degrading treatment or punishment  
Geneva, Switzerland

Dubravka Šimonovic  
Special Rapporteur on violence against women,  
its causes and consequences  
Geneva, Switzerland

Pedro Arrojo-Agudo  
Special Rapporteur on the human rights to safe  
drinking water and sanitation  
Geneva, Switzerland

Elizabeth Broderick  
Chair-Rapporteur of the Working Group on discrimination  
against women and girls  
Geneva, Switzerland

Dear Special Procedures Mandate Holders,

Thank you for your correspondence dated January 15, 2021. Please find enclosed the U.S.  
response.

Sincerely,

A handwritten signature in blue ink, appearing to read 'DK', with a stylized flourish extending to the right.

Daniel A. Kronenfeld  
Human Rights Counselor

## **U.S. Response to UN Joint Urgent Appeal Regarding Alleged Human Rights Abuses at the Irwin County Detention Center**

Thank you for your letter dated January 15, 2021, requesting information regarding alleged abuses at the Irwin County Detention Center (ICDC). We are grateful for the work conducted across the globe to promote respect for human rights, and for the opportunity to provide the below information concerning U.S. law, policy, and practice.

The U.S. Government and the Department of Homeland Security (DHS) are committed to safe, humane, and lawful immigration enforcement, including efforts to strengthen protection of the human rights of non-citizens in immigration detention, as well as the appropriate use of alternatives to detention.

U.S. Immigration and Customs Enforcement (ICE), a component of DHS, operates or contracts with facilities for the detention of certain individuals during the course of their immigration removal proceedings or processing. ICE works to ensure that detention facilities used to house ICE detainees do so in accordance with ICE's national detention standards. These standards were promulgated in cooperation with ICE stakeholders, the American Correctional Association (ACA), and representatives of non-governmental organizations, and were created to ensure that all individuals in ICE custody are treated with dignity and respect, and provided the best possible care. ICE detention contractors implement facility-specific policies in accordance with the relevant ICE national detention standards.

ICDC is contractually obligated to comply with requirements under ICE's Performance Based National Detention Standards (PBNDS) 2011 (Revised 2016). Those detention standards are available at <https://www.ice.gov/detention-standards/2011>. PBNDS 2011 (Revised 2016) were developed in coordination with agency stakeholders, and prescribe both the expected outcomes of each detention standard and the expected practices required to achieve them. PBNDS 2011 (Revised 2016) were also designed to improve safety, security, and conditions of confinement for detainees.

In particular, with respect to the Coronavirus-19 (COVID-19) pandemic response, and as referenced in our response to the Joint Urgent Appeal Regarding COVID-19 at Northwest Detention Facility, ICE Enforcement and Removal Operations (ERO) released the (COVID-19) Pandemic Response Requirements (PRR) on April 10, 2020. The ERO PRR sets forth expectations and assists ICE detention facility operators in sustaining detention operations while mitigating risk to the safety and well-being of detainees, staff, contractors, visitors, and stakeholders due to COVID-19. The ERO PRR builds upon previously issued guidance and sets forth specific mandatory requirements to be adopted by all detention facilities, as well as recommended best practices, to ensure that detainees are appropriately housed and that available mitigation measures are implemented during this unprecedented public health crisis. The ERO PRR has been developed in consultation with the Centers for Disease Control and Prevention (CDC) and is a dynamic document that is updated as additional/revised information and best practices become available. Since the PRR's original release date on April 10, 2020, ICE has

updated and released multiple revised versions of the PRR, most recently on March 16, 2021. The revised PRR updates the list of populations and subclasses at increased risk for severe illness from COVID-19; clarifies the process for notifying the detainee or detainee's counsel whether the detainee falls within the population identified by the CDC, and/or within classes identified in the *Fraihat v. ICE* court order; reiterates that all *Fraihat* requirements apply to all detainees in 72-hour facilities; adds an Applicability of Standards to Increased Risk Populations section; adds a Standards for All Populations section; and adds that all detainees are to be tested regardless of *Fraihat* class, facility type, or other conditions, with a few exceptions. For additional details, please access the most recent version of the PRR here: <https://www.ice.gov/coronavirus/prr>

As of March 19, 2021, the current detained population in ICE custody is 14,216, with 541 COVID-19 positive cases under isolation or monitoring. As of March 19, 2021, ICE has tested 118,107 detainees for COVID-19. With regard to COVID-19 cases at ICDC, as of March 21, 2021, there are currently zero confirmed cases of detainees with COVID-19 under isolation or monitoring, and zero non-citizens have died at ICDC after testing positive for COVID-19. Since COVID-19 testing began in February 2020, there have been a cumulative total of 71 confirmed COVID-19 cases at ICDC.

To ensure compliance with conditions and the applicable detention standards, ICE and DHS provide oversight through multi-layered inspections and oversight programs. Under ICE's inspection program, ICDC is inspected bi-annually to ensure facility operations meet ICE's PBNDS 2011 (Revised 2016) national detention standards. The detention center was last inspected from December 14-17, 2020, and was found to be in substantial compliance with ICE standards. A review of previous inspection findings shows that the ICDC has passed its annual inspections. As an additional layer of oversight, an on-site federal Detention Services Manager is assigned to the facility to monitor detention conditions on a daily basis and ensure that facility issues and detainees concerns are identified and resolved. In addition, ICE's Detention Reporting and Information Line (DRIL) is a toll-free service that provides a direct channel for detainees, family members, private attorneys, and other stakeholders. DRIL allows detainees to communicate directly with ICE ERO about detention concerns and allegations. Detainee concerns and allegations about employee and contractor conduct can also be submitted to the Joint Intake Center. These complaints are reviewed by the ICE Office of Professional Responsibility and, when applicable, the DHS Office of Inspector General (OIG). Finally, local field office staff are assigned to the facility and are able to assess, firsthand, conditions at the facility, in addition to conducting weekly visits with ICE detainees to hear and address any concerns they may have.

Separate from ICE's inspections program, oversight of DHS immigration detention facilities is also a key part of the DHS Office for Civil Rights and Civil Liberties (CRCL) mission. CRCL reviews and investigates complaints from the public and/or reports by reputable news sources alleging violations of civil rights or civil liberties by DHS personnel, programs, or activities. Such complaints include allegations about inadequate conditions of detention. Once CRCL opens a complaint, it refers the complaint to the OIG, which has the right of first refusal to investigate allegations submitted to CRCL. If the OIG retains the complaint for investigation, CRCL waits until the OIG has completed its investigation and at that time determines whether to conduct its own investigation, if necessary.

As part of this mission, CRCL conducts onsite investigations at ICE and ICE-contracted detention facilities to examine alleged violations of civil rights and civil liberties related to individuals in ICE custody. From October 1, 2019 to September 30, 2020, CRCL conducted eight onsite investigations at facilities where ICE held immigration detainees. Three of these onsite investigations were conducted virtually due to the COVID-19 pandemic. During onsite investigations, CRCL utilizes the assistance of contracted subject matter experts in the areas of conditions of detention, environmental health and safety, medical care, and mental health care. Following a past CRCL inspection of ICDC, CRCL sent expert-generated recommendations to ICE on November 4, 2016. These recommendations concerned medical care, disinfection and sanitation practices, communication and procedures about infectious diseases, record-keeping and documentation, and language access. ICE responded on September 12, 2017, concurring with nearly all of CRCL's recommendations, and immediately implemented many of the recommendations.

Over the past three U.S. Federal Government Fiscal Years (from October 1, 2017 to September 30, 2020), CRCL has also received many additional complaints about the medical care at ICDC, including the medical treatment of detainees with HIV, as well as complaints about legal access, access to ICE deportation officers, language access, and most recently, COVID-19 protocol and practices. During this current Fiscal Year (October 1, 2020 to September 30, 2021), CRCL plans to conduct an onsite investigation at ICDC to follow-up on the implementation of our prior recommendations and to investigate the more recent complaints. CRCL has also received a number of allegations about unnecessary gynecological procedures performed on detainees at ICDC without informed consent. However, these allegations are being separately investigated by the DHS OIG. Once the OIG has completed its investigation, CRCL will review the report of investigation and determine whether to conduct its own investigation. Due to pending litigation, DHS is unable to comment further on the allegations.