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MEDICALLY VULNERABLE IMMIGRANTS SEEK EMERGENCY RELEASE FROM ICE DETENTION IN ALABAMA

Filing Follows COVID-19 Outbreaks and Similar Demands for Release Nationwide

April 29, 2020, Birmingham, AL – Late yesterday, Adelante Alabama Worker Center, the Center for Constitutional Rights, and the National Immigration Project of the National Lawyers Guild (NIP-NLG) filed an emergency petition and temporary restraining order for the release of medically vulnerable people currently held in Immigration and Customs Enforcement (ICE) detention. The filing seeks the release of 18 people being detained in Unit 9 of the Etowah County Detention Center in Gadsden, Alabama, and cites their severe risk of contracting the novel coronavirus COVID-19 and developing life-threatening symptoms. Other medically vulnerable immigrants have filed petitions for release in other states, with courts ordering releases from other ICE detention centers. The filings in each case warn that the near-certainty of coronavirus outbreaks in these facilities renders the continued detention of these individuals a potential death sentence for a civil immigration violation.

“I am scared of dying in here,” said **Bakhodir Madjitov**, who has been detained since 2017. “What will my family do? When ICE suddenly detained me, my wife Madina was 39 weeks pregnant with my littlest child.... I have only ever seen my son once, through the glass at a detention center. I have never been able to hold him in my arms. My wife and three little boys were barely managing without me before COVID-19. Now, everything is much worse. Madina lost her job due to the pandemic, and now she says she has no idea how she will take care of the children.”

The complaint and the declarations made by those imprisoned describe not only the impossibility of social distancing inside the Etowah jail—where up to four people are held in cramped six-by-six-foot cells—but also the growing issue of overcrowding, worsened by staff combining

people being detained by ICE from two units to a single unit. New people continue to be brought into the jail, including some reportedly exposed to COVID-19. More than 100 people now share a single unit with communal showers, dining, and recreation areas. Toilets are inside the cells with no partition. Detained individuals report receiving inadequate or no cleaning and hygiene supplies, despite being required to clean their own cells. Some have used shampoo to clean cells. Those assigned to clean common areas have not been provided with protective gear.

“Etowah County Detention Center has built a national reputation as ICE’s warehouse for prolonged detention, with conditions so abysmal they have compelled people to lose hope and accept deportation,” **Jessica Vosburgh**, Executive and Legal Director at Adelante explains. “In the wake of COVID-19, the individuals caged in Etowah are not only fighting against their deportations, they are fighting for their lives.”

According to declarations filed by infectious disease and public health experts from the University of Alabama at Birmingham, Yale, and Tulane, it is impossible for Etowah to comply with CDC guidelines around social distancing, quarantine, and treatment, and the jail’s already inadequate medical facilities will inevitably be overwhelmed.

The 18 people filing this petition with the court, many of whom are seeking protection in the U.S. from violence, torture or persecution in their home countries, report extensive pre-existing health conditions that make them especially vulnerable to developing life-threatening COVID-19 infections. Such conditions include asthma so severe the prisoner has coughed up blood, heart disease, kidney disease, , cancer, chronic bronchitis and other lung conditions, and diabetes. Many of them take numerous medications to control pre-existing health issues, including some that suppress their immune systems. Even before the pandemic, ongoing health problems were allowed to fester with no or inadequate treatment; since the outbreak, detainees report that medical checkups for chronic conditions have been suspended. Attorneys say coronavirus has exacerbated already dire conditions in ICE facilities.

“While this suit seeks to protect these individuals from lethal harm, it is also part of a broader effort to expose the horrid conditions in ICE detention facilities and the vast, illegitimate detention system and cruel and arbitrary punitive reflex that pervades in this country,” said **Baher Azmy**, Legal Director at the Center for Constitutional Rights.

Local advocacy groups such as [Shut Down Etowah](#) are also calling for the release of ICE detainees, responding with [several letters](#) to Etowah County Sheriff Jonathan Horton and regional ICE Director Dianne Witte and staging a caravan protest outside the facility last week. Shut Down Etowah Organizer **Lisa Moyer** says, “This petition isn’t just about securing the freedom of the 18 people detained in Unit 9. It’s about every person trapped inside of Etowah County Detention Center, desperately hoping that the air they breathe won’t put them in a casket.” Shut Down Etowah has teamed up with regional bond organization [Etowah Freedom Fund](#) to start a [COVID-19 emergency fund](#) that will be used to provide commissary and bail money to people in detention.

“ICE’s insistence on continuing to detain medically vulnerable people during a global pandemic is cruel and dangerous, and it shines a light on how needless immigration detention is in the first place,” said **Sirine Shebaya**, Executive Director of the National Immigration Project of the National Lawyers Guild. “Through this litigation, we hope to obtain release for our clients, but also to raise public awareness about the inhumane manner in which people in ICE detention are treated, and the bloated system of mass incarceration our immigration authorities are using taxpayer money to fund, in the face of all evidence that it is unnecessary and harmful to our communities.”

The complaint filed today argues that the risk of death for a civil immigration violation—due to grossly inadequate sanitation and healthcare, along with the impossibility of following CDC guidelines in such over-crowded conditions—violates constitutional protections ensuring adequate care and preventing deliberate indifference to obvious medical risks. It also argues that those in the detention center are being denied their constitutional right to counsel, as visits are banned and the facilities lack practical means of placing confidential calls to lawyers.

Jeremy Jong in New Orleans is co-counsel in the case.

The case is *Williams v. Horton* and was filed in federal court in the U.S. District Court for the Northern District of Alabama.

For more information and to read today’s filings, visit the [Center for Constitutional Rights’ case page](#).

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[Adelante Alabama Worker Center](#) is a nonprofit organization that unites low-wage immigrant workers and their families in the Birmingham area to defend our rights, promote our dignity, and pursue justice for all. To learn more and get involved visit www.adelantealabama.org or follow us on Facebook, Instagram, and Twitter @adelantealabama.

The [National Immigration Project of the National Lawyers Guild](#) (NIPNLG) is a national non-profit organization that provides technical assistance and support to community-based immigrant organizations, legal practitioners, and all advocates seeking and working to advance the rights of noncitizens. NIPNLG utilizes impact litigation, advocacy, and public education to pursue its mission. Learn more at nipnlg.org. Follow NIPNLG on social media: [National Immigration Project of the National Lawyers Guild](#) on Facebook, @NIPNLG on Twitter.

The Center for Constitutional Rights works with communities under threat to fight for justice and liberation through litigation, advocacy, and strategic communications. Since 1966, the Center for Constitutional Rights has taken on oppressive systems of power, including structural racism, gender oppression, economic inequity, and governmental overreach. Learn more at

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