

Webinar: Requesting Bond, Parole, and Custody Review During COVID-19

TAMU Law Answers Webinar Series:

“LEGAL ISSUES IN THE AGE OF THE CORONAVIRUS”

"IMMIGRATION PRACTICE AND POLICY DURING THE PANDEMIC" **Webinar Series**

RESOURCES:

- <https://www.splcenter.org/seeking-release-ice-detention-toolkit-covid-19-pandemic>

- <https://www.ice.gov/coronavirus> go to ICE detainee statistics tab

- Migrant Center STDC Pearsall Legal Hotline: 210-802-6061

- National Immigration Detention Hotline (Freedom for Immigrants): 209-757-3733

- [Factsheet](#) for detained individuals

- Mental health [toolkit](#) for COVID-19 anxiety

- Know Your Rights during COVID-19 [guide](#)

- AILA's recommended actions for [ICE and EOIR](#), [USCIS](#), [DHS](#), [CBP](#)

- Template [letters](#) to urge agency action

- Template [letters](#) to urge Congressional action

- [Lawsuit](#) calling for release of detainees at heightened risk of infection (Dawson v. Asher)

- EOIR COVID-19 [updates](#) (Motion for Telephonic Appearance note: many court standing orders state that “any party appearing telephonically waives the right to object to admissibility of any document offered in Court on the sole basis that they are unable to review the document.” Attorneys should consider objecting on the record to this blanket waiver of a statutory right explicitly provided at INA § 240(b)(4) as fundamentally unfair, particularly where they are precluded from representing the client in person based on the PPE requirements.)
- Template [motion](#) for bond hearing based on changed circumstances
- Practice [alert](#) on "other serious harm" asylum claims related to COVID-19
- Sample [Motion for Continuance](#)
- [Letter](#) to Governor Abbott calling for a downsizing of the detained population in Texas

- Detention Watch Network's FreeThemAll [Toolkit](#) and [Report](#) on ICE and detention policy
- [List](#) of international travel restrictions
- Template Request for Release [For Individuals Who Are Not Charged as “Arriving Aliens” on the Notice to Appear](#) and [For Individuals Who Are Charged as “Arriving Aliens” on the Notice to Appear](#)
- [Sample letter for humanitarian parole request for ICE](#) (case-by-case request)
- [Sample organizational request to ICE for release of vulnerable populations](#) (detention center level request)
- [COVID-19 Reference Materials Related to Prisons, Jails, Immigration Detention Centers](#) including who's at risk and medical recommendations
- [National Bail Fund List of Resources, Demands, and Actions](#)
- [Letter from Medical Professionals to ICE Urging Release of Individuals Due to COVID-19](#), March 18, 2020
- [Pandemic Influenza and Jail Facilities and Populations](#)," Am J Public Health. 2009 October; 99 (Suppl 2): S339–S344
- [Practice Advisory: Advocating for the Release of Detained Immigrants Based on the COVID-19 Pandemic](#) » (Mar. 21 2020)
 - [Appendix A: Sample humanitarian parole request to ICE](#) » (Mar.21 2020)
 - [Appendix B: Motion for bond and custody determination](#) » (Mar. 21 2020)
 - [Appendix C: Motion for bond and custody redetermination](#) » (Mar. 21 2020)
 - [Appendix D: Redacted habeas petition submitted in the Southern District of New York](#) » (Mar. 21 2020)
 - [Appendix E: Habeas petition in *Dawson v. Asher*](#) » (Mar. 21 2020)
 - [Appendix F: Public health expert declaration on dangers of COVID-19 spread in immigration detention \(with expert CV\)](#) » (Mar. 21 2020)
- [Additional Sample: Habeas SDNY](#) » (Mar. 23 2020)
- Interview with Former Chief Medical Officer of Rikers Island Homer Venters, [How Prisons and Jails Can Respond to the Coronavirus](#), New Yorker, Mar. 14, 2020.
- News articles
 - Guardian: [Coronavirus inevitable in prison-like US immigration centers, doctors say](#)
 - Mother Jones - [Jails are the perfect incubators for the coronavirus](#)
 - Slate: [The Coronavirus Could Spark a Humanitarian Disaster in Jails and Prisons](#)

- Vice News: [Thousands of Doctors Demand ICE Release Detainees to Stop a COVID-19 Disaster, Mar. 18, 2020.](#)
- Prisons which have considered humanitarian release
 - Reuters: [Iran temporarily releases 70,000 prisoners as coronavirus cases](#)
 - Mercury News: [Bay Area courts, jails try to minimize coronavirus impact](#)
 - Fox 59: [Ohio jail releases hundreds of inmates due to concern of coronavirus spread](#)
 - San Diego Tribune: [Jails to release some inmates, adjust booking criteria amid coronavirus concerns](#)
 - Los Angeles Times: [L.A. County releasing some inmates from jail to combat coronavirus](#)
 - Chicago Sun Times: [Cook County Jail releases several detainees 'highly vulnerable' to coronavirus](#)
 - DCist: [Coronavirus Latest: To Prevent Spread Of Coronavirus, D.C. Moves To Keep Fewer People Locked Up For Minor Crimes](#)
 - The Statesman: [Travis County Judges Releasing Inmates to Limit Coronavirus Spread](#)
 - NY City Board of Corrections: [Call for City to Begin Releasing People from Jail](#)
 - [DOC Staffer With COVID-19 Dies](#)
 - Baltimore Sun: [Baltimore State's Attorney Mosby to stop prosecuting drug possession, prostitution, other crimes amid coronavirus](#)
 - [Letter](#) from lead prosecutors in several major cities for reduced detention because of COVID-19
- ICE [Memorandum](#) on COVID-19
 - [Map](#) of COVID-19 in detention
 - [E-mail campaign](#) to Congressional representatives calling on them to have ICE release detained immigrants
 - [Pro Se Humanitarian Parole Guide](#)
 - Pennsylvania detention centers [release sign-on](#)
- Global Detention Project [review](#) of how governments around the world are treating detainees
- San Antonio Express-News Resources for Immigrants in [English](#) and [Spanish](#)
- Questions on ICE's [action plan](#): ICE_ERO_CMD@ice.dhs.gov
- Freedom for Immigrants [toolkit](#) and [survey](#) for advocates to report abuses and condition relating to COVID-19 (hotline at 209-757-3733, free call code from inside immigration detention can dial 9233 M-F 6am-8pm PST)

- NILC [Resources](#) for Advocacy on Immigrant Inclusive Response to COVID-19
- AILA [Guide](#) to Practical and Ethical Considerations when Working Remotely with Detained Clients
- IJC Sample Release and Asylum [Resources](#)
- BIA electronic filing guidelines listed [here](#) (EOIR Office of Policy, Communications and Legislative Affairs Division at PAO.EOIR@usdoj.gov):
 - Detained briefs filed at the BIA: BIA.Detained.Briefs@usdoj.gov
 - Non-Detained briefs filed at the BIA: BIA.Nondetained.Briefs@usdoj.gov
- Those who have already opted-in to ECAS should continue to use ECAS where it is available
- EOIR e-mail filing requirements: <http://www.justice.gov/eoir/filing-email>
- EOIR's Office of the Chief Administrative Hearing Officer (OCAHO) filings: CMS.OCAHO@usdoj.gov
- [Central Texas Office for Refugees](#) hotline to assist refugees, asylees, and trafficking victims who are experiencing barriers to accessing critical services: 844-286-7797 (English, Kinyarwanda, Nepali, Spanish, and Tigrinya; text support is available in English and Spanish)
- Center for Gender and Refugee Studies [Resources](#)
- Letters to the governors of [New Mexico](#), [Colorado](#), and [New Jersey](#) urging them to take steps to reduce the number of people in ICE custody in their states
- Get masks to refugees in MPP by emailing media@global-response.org
- *Fraihat v ICE* Litigation [Resources](#)
- <https://www.ice.gov/coronavirus> , go to ICE detainee statistics tab
- ABA Commission on Immigration website posts regular COVID updates, especially relating to detention - https://www.americanbar.org/groups/public_interest/immigration/immigration-updates/impact-of-covid-19-on-the-immigration-system/
- https://www.ice.gov/doclib/dro/pdf/11002.1-hd-parole_of_arriving_alien_found_credible_fear.pdf , look to section 8.3 for requirements on proving identity
- Practice advisory on seeking IJ release on conditional parole/recognition - https://www.aclu.org/sites/default/files/field_document/rivera_practice_advisory_may_2015.pdf
- Caselaw on the IJ authority to release under conditional parole: *Ortega-Cervantes v. Gonzales*, 501 F.3d 1111, 1115 (9th Cir. 2007).

- parole that provides eligibility for Cuban Adjustment Act: 8 CFR 212.6(b)
- cite for lack of jdx: INA 241(a)(2)
- info regarding Headquarters office for Post-Order cases:
Here are the two addresses we've come across:
Headquarters Post-Order Detention Unit
Immigration and Customs Enforcement
Department of Homeland Security
801 I Street, NW, Suite 900
Washington, DC 20536
and
500 12th Street
Washington, DC 20024

Panelist info:

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Resource list provided by Sara Ramey, Executive Director, Migrant Center for Human Rights