

COVID-19 in Immigration Detention Data Transparency Act

Senator Elizabeth Warren, Representative Joaquin Castro, and Senator Cory Booker

COVID-19 presents serious risks to individuals in group settings, including in immigration detention. Tens of thousands of noncitizens are currently held in facilities run by ICE, CBP, ORR, and in contract facilities. Many detained people cannot take precautionary measures such as social distancing and wearing personal protective equipment due to their close confinement and the limited resources available to them. Currently available information about the number of COVID-19 cases affecting individuals in immigration detention is inadequate for the purpose of stopping the spread of the virus and protecting detainees, staff, and nearby communities. Federal reporting standards are necessary to protect against the virus and mitigate outbreaks.

The COVID-19 in Immigration Detention Data Transparency Act provides public health experts, policymakers, immigration advocates, and the public with critical information about COVID-19 in immigration detention facilities. The bill creates reporting standards for agencies and facilities responsible for the custody and care of immigrant detainees. The bill would do the following:

- Require ICE, CBP, ORR and contract facilities to collect and submit COVID-19 data to the Centers for Disease Control and Prevention (CDC) on a weekly basis and regularly publish this data on their websites. The data will be stored in a manner that protects an individual's privacy and may not be used against them in any future immigration proceedings. The data include, among other things:
 - the number of detained individuals tested, disaggregated by first-time tests and retests, and individuals tested who are symptomatic and asymptomatic.
 - the number of detained individuals who have requested COVID-19 tests and the outcome of these requests.
 - the number of staff tested, disaggregated by first-time tests and retests.
 - the number of hospitalizations and deaths from COVID-19 of individuals in detention.
 - information related to the COVID-19 testing and results of individuals transferred between detention facilities.
 - information related to the COVID-19 testing and results of individuals removed from the country by an immigration enforcement agency.
- Require ICE, CBP, ORR and contract facilities to collect and submit data on COVID-19 vaccination progress to the CDC on a weekly basis and regularly publish this data on their websites.
- Mandate that ICE, CBP, and ORR report to Congress on the protocols and practices in place at each detention facility under their jurisdiction, outlining the health standards, the standards of medical care provided to detainees, and the sanitation practices at each facility.
- Require ICE, CBP, ORR, and the head of each contract facility to report to Congress on the efforts made to ensure detained individuals have access to legal counsel.
- Ensure that detained individuals tested for COVID-19 have confidential access to all their test results and medical records, in their preferred language.