

United States Senate

WASHINGTON, DC 20510

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
U.S. Department of Homeland Security
301 7th Street, SW
Washington, DC 20528

The Honorable Tae D. Johnson
Acting Director for U.S. Immigration and Customs Enforcement
U.S. Immigration and Customs Enforcement
500 12th St SW
Washington, DC 20536

February 8, 2022

Dear Secretary Mayorkas and Acting Director Johnson:

We write to express our deep concern that, despite all the lessons learned from this deadly pandemic, U.S. Immigration and Customs Enforcement (ICE) is still failing to protect people in its custody. We are concerned that ICE has failed to provide COVID-19 booster shots for people in ICE detention. As you know, booster shots are particularly important in light of the rapid spread of the Omicron variant, to which a booster shot provides the strongest defense. Our concerns are heightened by the whistleblower disclosure transmitted to you both on January 26, 2022, by Drs. Scott Allen and Josiah “Jody” Rich, who as you know serve as consulting medical experts in detention health for the Department of Homeland Security Office for Civil Rights and Civil Liberties (DHS CRCL).¹

For over three months, people in ICE detention facilities have been eligible for COVID-19 booster doses. As early as September 24, 2021, the Centers for Disease Control and Prevention (CDC) has recommended the provision of Pfizer COVID-19 vaccine booster shots, first to individuals who are medically vulnerable to COVID-19, including individuals who reside or work in congregate settings, such as detention centers. Soon after, the CDC recommended COVID-19 booster shots to all people who received the Johnson & Johnson COVID-19 vaccine two months or more earlier, and to all people who received either the Pfizer or Moderna vaccine six months or more earlier, and reside in high-risk settings, which include detention centers.

COVID-19 poses an active danger to the health and safety of the over 22,000 people detained by ICE each day. The number of COVID-19 cases among ICE detainees has increased by more than 800% since the start of 2022. As of January 30, 2022, at least 3,038 people in ICE detention were under isolation or monitoring for COVID-19, representing 14% of the detainee population.²

¹ <https://whistleblower.org/wp-content/uploads/2022/01/012622-LETTER-TO-MAYORKAS-FROM-DRS-RE-COVID-IN-IMM-DETENTION.pdf>

² <https://www.ice.gov/coronavirus>

In spite of the CDC's recommendations, ICE is failing to provide COVID-19 booster shots to people in ICE detention. As of January 6, 2022, ICE has administered only 671 booster shots nationwide, to the over 22,000 detainees nationwide in ICE custody each day. Advocates have reported to us that booster shots are not being made available to individuals in detention and that even educational materials about booster shots are not uniformly available. Even worse, the agency's most recent COVID-19 Guidelines for immigration detention facilities nationwide provide no information about booster shots.

ICE's apparent failure to successfully administer booster shots places individuals in its custody in great danger. Moreover, ICE's heavy reliance on the Johnson & Johnson vaccine, increases the importance of booster doses, particularly mRNA vaccines, for people in its custody.

For these reasons, we call on ICE to take the following actions:

- Immediately identify and provide eligible detainees with COVID-19 vaccine booster doses;
- Provide clear guidance requiring all detention facilities nationwide to immediately and routinely provide COVID-19 vaccines and booster shots to all eligible detainees;
- Ensure adequate supplies of mRNA vaccine boosters for all eligible detainees; and
- Promote accessible vaccine and booster education for all detained people.

In addition, we would appreciate your responses to the following questions:

1. What is ICE's plan to ensure that all detainees are offered COVID-19 vaccine booster doses as well as education in their preferred language? How will ICE ensure consistent and robust vaccination and booster administration in all detention facilities nationwide?
2. Of all detainees in custody on February 1, 2022, how many have been fully vaccinated? Partially vaccinated? Received booster doses? How many detainees were in custody on that date?

Sincerely,



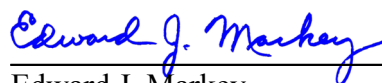
Benjamin L. Cardin
United States Senator



Elizabeth Warren
United States Senator



Robert Menendez
United States Senator



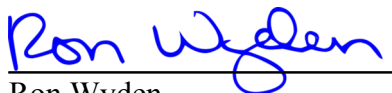
Edward J. Markey
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Sherrod Brown
United States Senator



Cory A. Booker
United States Senator



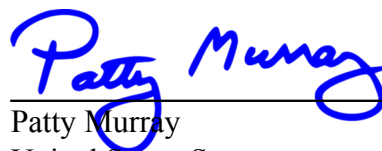
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