

**Congress of the United States**  
**Washington, DC 20515**

June 9, 2020

Mr. Chad F. Wolf  
Acting Secretary  
Department of Homeland Security  
Washington, DC 20528

Dear Acting Secretary Wolf:

We are deeply concerned by Immigration and Customs Enforcement's ("ICE's") continued refusal to release lesbian, gay, bisexual, transgender, and queer ("LGBTQ") asylum seekers from ICE custody as COVID-19 ravages detention facilities across the country. LGBTQ asylum seekers, like Yanelkys Moreno-Agramonte are terrified for their safety due to ICE's wholly inadequate response to the COVID-19 pandemic. This fear is heightened for LGBTQ individuals who are already particularly vulnerable to abuse and mistreatment in immigration detention. Individuals like Ms. Moreno-Agramonte have a credible claim for asylum, pose no threat to public safety or national security, and should be considered for release, as ICE considers measures to reduce its detained population during this pandemic.

Ms. Moreno-Agramonte is a lesbian from Cuba who, together with her partner, fled homophobic persecution in search of safety in the United States. However, instead of finding protection, Ms. Moreno-Agramonte was separated from her partner and placed in immigration detention, where she remains today. Ms. Moreno-Agramonte is eligible for release on parole, has a qualifying sponsor, and poses no risk to the community. Nevertheless, ICE refuses to release her, even amid a lethal pandemic.

As COVID-19 continues to spread across the United States, claiming thousands of lives, ICE has proven itself incapable of protecting the people in its custody, routinely ignoring CDC guidelines and ICE's own Pandemic Response Requirements. LGBTQ asylum seekers were at particular risk in detention even before COVID-19. They frequently face discrimination and harassment based on their sexual orientation or gender identity, as well as lack of appropriate HIV and other medical care. As you may know, LGBTQ individuals are 97 times more likely to be sexually assaulted than the general population in detention facilities. [\[1\]](#)

The COVID-19 outbreak makes the situation in ICE detention even more dangerous for individuals in the agency's custody, including LGBTQ individuals. It is widely reported that ICE does not provide sufficient protective gear or hygiene products, fails to provide timely information on how to prevent infection, and is either unable or unwilling to implement social distancing measures. For instance, in March and in the beginning of April, Ms. Moreno-Agramonte reported that the South Louisiana ICE Processing Center ("South Louisiana"), where she is detained, experienced frequent shortages of sanitation products, including a nine-day period where Ms. Moreno-Agramonte and others went without toilet paper or soap. South Louisiana continues to mismanage its COVID-19 response today. In fact, social distancing is impossible in Ms. Moreno-

Agramonte's sleeping quarters and detention staff are not required to wear masks despite the extremely close quarters and rapid spread of the virus.

Tragically, COVID-19 has already claimed lives of two individuals in ICE custody. [2] Moreover, ICE presently reports 1,181 COVID-19 cases among the detained population and an additional 44 cases among its detention employees. [3] Due to insufficient availability of testing, the actual number is probably much higher. Health experts continue to warn that ICE detention facilities are woefully unprepared to treat patients who contract COVID-19. [4] Despite ICE's claims that it has taken measures to protect the people in its custody, medical experts note that these measures are not enough to prevent the spread of COVID-19. [5] This means that the lives and safety of all detainees, including LGBTQ asylum seekers, are at risk as long as they remain in ICE custody.

Ms. Moreno-Agramonte's detention and the risk it poses to her health, and others like her, is entirely avoidable. ICE has the discretion to release Ms. Moreno-Agramonte and almost all other LGBTQ asylum seekers from custody at any time. Inexplicably, ICE has not exercised that discretion, notwithstanding the fact that ICE has no reason to continue detaining Ms. Moreno-Agramonte and others raising similar, credible asylum claims.

Detaining LGBTQ asylum seekers, especially in the midst of a COVID-19 pandemic, is dangerous and irrational. LGBTQ asylum seekers, including Ms. Moreno-Agramonte, flee their countries of origin because they are targets for persecution simply for being who they are. Ms. Moreno-Agramonte is determined to see her asylum case to completion with the hope that she will achieve the life she was denied in Cuba. We believe that there is no justification for detaining her, especially when weighed against the risks to her health and safety in immigration detention. We urge ICE to consider, within all applicable rules and regulations, releasing Ms. Moreno-Agramonte and all LGBTQ asylum seekers immediately.

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[1] Sharita Gruberg, *ICE's Rejection of Its Own Rules Is Placing LGBT Immigrants at Severe Risk of Sexual Abuse*, (May 30, 2018), <https://www.americanprogress.org/issues/lgbtq-rights/news/2018/05/30/451294/ices-rejection-rules-placing-lgbt-immigrants-severe-risk-sexual-abuse/>

[2] Max Rivlin-Nadler, *First Death of Detainee in an ICE Detention Center From COVID-19*, NPR (May 7, 2020) <https://www.npr.org/sections/coronavirus-live-updates/2020/05/07/852475822/first-death-of-detainee-in-an-ice-detention-center-from-covid-19>; Noah Lanard, *A Honduran Man Has Died of COVID-19 After Leaving an ICE Jail Plagued by the Virus*, Mother Jones (May 14, 2020) <https://www.motherjones.com/politics/2020/05/a-honduran-man-has-died-of-covid-19-after-leaving-an-ice-jail-plagued-by-the-virus/>.

[3] ICE Guidance on COVID-19: Confirmed Cases (updated 05/22/2020 2:22 p.m.) <https://www.ice.gov/coronavirus>.

[4] Michael Irvine, *at al.*, *Modeling COVID-19 and Impacts on U.S. Immigration and Enforcement (ICE) Detention Facilities*, 2020, *Journal of Urban Health* 2020, [https://whistleblower.org/wp-content/uploads/2020/04/Irvine\\_JUH\\_ICE\\_COVID19\\_model.pdf](https://whistleblower.org/wp-content/uploads/2020/04/Irvine_JUH_ICE_COVID19_model.pdf)

[5] *Id.*

Sincerely,

A handwritten signature in black ink that reads "Mike Quigley". The signature is written in a cursive style with a large, sweeping "Q" and "y".

Mike Quigley  
Member of Congress

**ADDITIONAL SIGNERS:**

Jerrold Nadler  
Zoe Lofgren  
Nydia M. Velázquez  
Eleanor Holmes Norton  
Alcee L. Hastings  
Jesús G. "Chuy" García  
Jan Schakowsky  
James P. McGovern  
Adriano Espaillat  
Josh Harder  
Sheila Jackson Lee  
Ayanna Pressley  
Joseph P. Kennedy, III  
Mark Pocan  
Raúl M. Grijalva  
Pramila Jayapal  
Bonnie Watson Coleman  
Joaquin Castro  
Juan Vargas  
Frederica S. Wilson  
Suzanne Bonamici  
J. Luis Correa  
Mary Gay Scanlon  
Barbara Lee  
Grace F. Napolitano