



IMMIGRANT
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COVID-19 Class-Action Lawsuit: Detained Immigrants Demand Release From Elizabeth Detention Center

NEW JERSEY- As dangerous, unsanitary conditions and protocols have caused COVID-19 to spread unchecked through the Elizabeth Detention Center (EDC), four people at imminent risk of serious illness and death from the virus have filed a class-action lawsuit demanding the immediate release of all immigrants locked up in EDC.

The suit details the dangerous conditions faced by the people confined at EDC, a private immigration prison operated by CoreCivic in New Jersey through a contract with Immigration and Customs Enforcement (ICE). On Thursday CoreCivic, the for-profit company that runs EDC, [announced that a guard at its facility died of COVID-19](#). Previously [CoreCivic said 18 detainees tested positive for coronavirus](#).

The four named plaintiffs in the case detail the conditions they and other immigrants face in detention.

Rizza Jane Guanao Aganan, a mother of two, has been detained at EDC since February 2020. She shares a housing unit with a small group of other women, several of whom have experienced mental-health crises related to the stress of being confined during the pandemic. Ms. Aganan suffers from a rare genetic metabolic abnormality that causes a breakdown in red blood cells in response to certain triggering factors. The detention center has nonetheless refused to provide Ms. Aganan the restricted diet necessary to protect her health.

Albert Adu Boampong is a father of three children, the youngest born less than a week ago. Mr. Boampong eats, sleeps, and passes every day in close quarters with other detained men, some of whom are sick and coughing. He is terrified of dying from COVID-19 before having the opportunity to meet his infant daughter. He has also received inadequate medical care while detained, including after suffering an injury sustained when he slipped and fell in a facility bathroom. In response to conditions at EDC during the pandemic, Mr. Boampong has initiated a hunger strike to protest the government's indifference toward his safety and that of other detained immigrants.



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Héctor García Mendoza, 30, has been detained at EDC since March 2020. He shares a dorm with dozens of other detained men, some of them ill. There is little space among the men, and the living spaces are filthy. An asthma sufferer, Mr. García has experienced chest pain and shortness of breath while detained, but the medical staff have refused him adequate treatment.

Bob Lupini Nsimba, 28, reports being treated as less than human by EDC officials, fed little more than bread and rice, and exposed to cramped and unsanitary living conditions. Among other ailments, Mr. Nsimba has high blood pressure and psychological symptoms of trauma exposure, which subject him to a heightened risk of serious medical complications from COVID-19.

Their lawsuit details how all people held at EDC are at imminent risk of serious illness, injury, or death from COVID-19 due to the confinement, and that ICE has failed to safeguard their rights.

American Friends Service Committee, the Immigrant Defense Project, and NYU School of Law Immigrant Rights Clinic are representing those confined at EDC in the class-action suit. The suit was filed May 15, 2020 in the federal district court for the District of New Jersey in Newark. Attorneys for the class expect a hearing in the coming weeks.

“The appalling conditions at EDC are like a death sentence for hundreds of parents, grandparents, and community members whose loved ones are desperately worried they will never see them again,” said IDP Executive Director Alisa Wellek. “CoreCivic has a horrible record of terrorizing and abusing the people it detains. ICE is collaborating with this company to put vulnerable people at risk and send a message to all immigrants in our country that their lives are disposable.”

Those detained and their advocates also say CoreCivic has made it extremely difficult for them to get medical records for those confined or details about conditions inside the facility.

The lawsuit seeks the immediate release of people detained at EDC or, in the alternative, expedited bail hearings. The lawsuit also seeks to stop ICE from admitting new people into EDC and from unilaterally transferring people from EDC to other immigration jails and prisons around the country.

“This pandemic has revealed the atrocity of immigration detention and incarceration. EDC, like other jails, is a tinderbox for people who are detained there, people who work there, and their families and communities, and the danger grows every day,” said Chia-Chia Wang, Organizing and Advocacy Director for the American Friends Service Committee in New Jersey. “Inaction from ICE and CoreCivic will be deadly for our clients. We want to see everyone released so they can reunite with their loved ones and safely practice social distancing at home.”



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The coronavirus has been especially deadly in prisons, jails and detention centers across the US; keeping people confined in close spaces has made it easy for the virus to spread. Public health experts have called for releasing large numbers of community members to avoid a significant loss of life, but ICE has failed to do so. In just the last week, [two people](#) detained by ICE have died of COVID-19, with 943 people testing positive out of 1788 tested as of May 13. Epidemiological models estimate that [at least](#) 70% of people detained by ICE could contract the virus; another model warns that overall, mass incarceration could lead to an additional [100,000 COVID-19 deaths](#) in the U.S.

“In the face of a pandemic, the only safe and humane option is to free people from immigration prisons like EDC,” said Alina Das, Professor of Clinical Law and Co-Director of the Immigrant Rights Clinic at NYU Law School. “ICE and private prison corporations like CoreCivic are asking us to abandon members of the public in the name of an anti-immigrant political agenda. Now is the time to put politics aside and put public health first.”

CoreCivic is the world’s [largest](#) for-profit prison corporation, owning and managing over 100 facilities, and has amassed a troubling track record of abuse. Numerous reports indicate that the corporation has tried to stifle information about the outbreak and has responded violently to detained people seeking to protect their health. Notably, the largest COVID-19 outbreak in any ICE facility is at CoreCivic’s Otay Mesa detention center in San Diego. Last week, a person detained there, Carlos Escobar Mejía, became the first person in ICE custody to die of COVID-19. Yesterday, 43 people detained with Mr. Escobar released a [letter](#) denouncing the systemic medical neglect they witnessed in the lead up to his death and urging action.

Doctors for Camp Closure will be holding a vigil outside of EDC on Saturday demanding the release of everyone detained there.

ICE systematically deprives tens of thousands of immigrants of liberty, creating a system of detention across the country which did not exist a few decades ago. Detention - both private facilities and government-run - is rife with medical neglect and had seen multiple deaths from medical neglect even prior to COVID-19. ICE has always had extensive power to free detained immigrants. As part of broader efforts to end mass incarceration, immigrant rights advocates have long called for the ending of immigration detention and for resources to be redirected to health and housing.

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The Immigrant Defense Project (IDP) is a New York-based nonprofit that works to secure fairness and justice for immigrants in the racially-biased U.S. criminal and immigration systems. IDP fights to end the current era of unprecedented mass criminalization, detention and deportation through a multi-pronged



strategy including advocacy, litigation, legal support, community partnerships, and strategic communications. Visit www.immigrantdefenseproject.org and follow [@ImmDefense](https://twitter.com/ImmDefense).

The American Friends Service Committee (AFSC) is a Quaker organization that includes people of various faiths who are committed to social justice, peace and humanitarian service. Its work is based on the belief in the worth of every person and faith in the power of love to overcome violence and injustice. Visit www.afsc.org and follow [@afsc_org](https://twitter.com/afsc_org)

The Immigrant Rights Clinic (IRC) of Washington Square Legal Services, Inc., at NYU Law School, is a leading institution in both local and national struggles for immigrant rights. IRC engages in direct legal representation of immigrants and community organizations in litigation at the agency, federal court, and where necessary Supreme Court level, and in immigrant rights campaigns at the local, state, and national level. Visit www.law.nyu.edu/immigrantrightsclinic.