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April 24, 2020

Law School News

RWU Law Professors Win Release for Two Immigrants at Risk for COVID-19

Professors Goldstein and Gonzalez join ACLU to obtain temporary restraining order releasing two immigrants from Wyatt Detention Center at high risk for COVID-19 infection.

April 24, 2020



Wyatt Detention Center in Central Falls, R.I.

Ruling on an emergency [ACLU lawsuit](#), U.S. District Court Judge William Smith this morning issued a [temporary restraining order](#) providing for the release by 5 PM today of two immigrants being detained at the Wyatt Detention Center who are at high risk for serious illness or death in the event of COVID-19 infection. The American Civil Liberties Union of Rhode Island and the National ACLU had filed the lawsuit less than a week ago seeking their release, as well as that of one other detainee whom ICE released hours before the judge heard arguments in the ACLU's petition on Wednesday.

The lawsuit was filed by ACLU of RI cooperating attorneys Deborah Gonzalez and Jared Goldstein, both professors at the Roger Williams University School of Law, as well as attorneys from the ACLU's National Prison Project, Immigrants' Rights Project and Center for Liberty.

In his five-page order, which he said would be followed by a memorandum of decision, Judge Smith found that the detainees had “made all necessary showings” for the issuance of a temporary restraining order. The order includes a list of conditions for the detainees’ release, including being subject to GPS monitoring and a 14-day self-quarantine at the homes of the family members at which they will be residing. The order also notes that the release is “temporary and conditional on the continued existence of” their risk of serious illness or death if confined at Wyatt, and that they must return to ICE custody “at such time as any constitutionally unjustifiable risk abates, as determined by the Court.”

The ACLU’s petition had described in detail the “unhygienic conditions” at the facility that placed the detainees’ lives at risk, and noted that due to “the impossibility of adequate social distancing within Wyatt and the regular cycling of facility staff and guards into and out of a Rhode Island community with rising rates of infection, Petitioners are virtually certain to become infected with COVID-19 if they remain detained.”

The three petitioners suffer from a variety of preexisting health conditions — including heart disease, asthma, decreased lung capacity, and diabetes — that put them at high risk of severe illness or death from COVID-19. One of the petitioners, whom ICE released voluntarily after the suit was filed, had been scheduled to have heart surgery for a serious heart condition when he was detained in February, and has also had multiple bouts of cancer that have resulted in removal of a kidney and a thyroid gland.

The filing in the U.S. District Court for Rhode Island included testimony from leading public health experts about the particular danger posed by the continued detention of people at high risk of illness or death from COVID-19 in facilities like Wyatt. The suit pointed out that the “outbreak of COVID-19 in prisons and detention centers is increasing at an alarming rate,” and a number of courts across the country, responding to lawsuits like this one, have released ICE detainees with serious medical conditions.

ACLU of Rhode Island cooperating attorney Jared Goldstein said: “Today, the court recognized that the Constitution prohibits the Wyatt from continuing to detain immigrants with medical conditions that make them especially vulnerable to COVID-19. The Wyatt simply is not a safe place for medically vulnerable people during this pandemic, and it imperils their health and lives to continue to hold them there. We look forward to seeing the Wyatt begin to act in compliance with the Constitution.” ACLU attorney Gonzalez added: “What a great day for these families!”

“We are thrilled to see that our clients will be released to practice social distancing and take other precautionary measures,” said Eunice Cho, senior staff attorney at the ACLU's National Prison Project. “Civil immigration detention should not be a death sentence, but for our clients — who are medically vulnerable and at heightened risk of serious illness or death from the virus

— it almost certainly would be. We are continuing to file similar suits around the country, and we won't stop fighting for the lives of our clients.”

The temporary restraining order can be found [here](#). [The original lawsuit and some of the expert witness testimony can be found here.](#)