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Law School News

RWU Law Professors, ACLU Seek Release for All ICE Detainees at Wyatt

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Filed after the number of detainees with COVID-19 more than doubled in three days, the seeks conditional release for all remaining inmates at the facility.

Roger Williams University School of Law professors Deborah Gonzalez and Jared Goldstein, in cooperation with the American Civil Liberties Union of Rhode Island, and lawyers from the firm [Morgan Lewis](#) filed a [class-action lawsuit](#) Friday against federal immigration officials and the Wyatt Detention Facility in Central Falls.

The suit, filed as a habeas corpus petition, seeks urgent relief for a class of over 70 immigration detainees at the facility by calling for their conditional release. The suit was filed as the count of detainees at the facility infected with COVID-19 more than doubled in three days.

“We know, based on the many deaths that have occurred in various nursing homes in our state, that congregate living and COVID-19 are a deadly combination,” Gonzalez said. “Congregate living at Wyatt, where immigrant detainees are being held for civil offenses, is no different. The immigrants being held there should not be subject to a death sentence. Since ICE won’t release these detainees and prevent their possible death, we had no choice but to file this lawsuit.”

“The alarming news is that COVID-19 is spreading uncontrollably at the Wyatt,” Goldstein added. “ICE has done too little to protect the detainees entrusted to their care, and our state government has not stepped in to help. We now have to turn to the courts to get the detainees out before it’s too late.”

"Congregate living and COVID-19 are a deadly combination. The immigrants being held at Wyatt should not be subject to a death sentence."

~ Professor Deborah Gonzalez

The three named petitioners are, due to underlying medical conditions, at heightened risk of death or serious illness if infected with COVID-19. However, the class-action petition, supported by [expert testimony](#), argues that all of the ICE detainees at Wyatt are at unreasonable risk of a serious, and potentially deadly, COVID-19 infection due to conditions at the facility, and therefore should be released or placed in “community-based alternatives to detention such as conditional release, with appropriate precautionary public health measures.” The petition argues that the detainees’ continued detention under conditions there violates their due process rights.

Between Monday of this week and yesterday, the number of positive test results for Wyatt detainees jumped from 15 to 38, indicating that the virus is now rapidly spreading throughout the facility. The first detainee there to test positive for the virus [said his complaints](#) of illness were ignored for weeks.

“For months, we’ve heard public health experts warn that ICE detention would be a hotspot for the spread of COVID-19, acting as a vector that would spread illness among detained people, facility staff, and their communities,” said Eunice Cho, senior staff attorney, ACLU’s National Prison Project. “These predictions are increasingly coming true, as we see rising numbers of infection in facilities across the country, and the first known death of a detained man, Carlos Ernesto Escobar Mejia, last week. There is no doubt that we are facing a public health and humanitarian crisis if ICE does not release many more people immediately. We urge the court to take swift action to mitigate the worst of the tragedy.”

Social distancing at Wyatt is impossible, with detained people housed in cells that are five feet by nine feet. A [recent study](#) concluded that nearly all ICE detainees will be infected with COVID-19 within 90 days of an outbreak within the immigration system, and between 78 and 95 percent of ICE detainees at Wyatt would ultimately be infected. Three weeks ago, the ACLU filed a [successful lawsuit](#) that secured the release of three medically vulnerable ICE detainees from Wyatt. At the time that suit was filed, no inmates had tested positive for the disease.

Other courts have addressed the dangers posed by detention during the pandemic by implementing an expedited bail process, evaluating people for release and prioritizing those who are most at risk due to underlying medical issues.

[More information on the case, including related documents and testimony, can be found here.](#)