

December 16, 2020

Governor Gavin Newsom
1303 10th Street, Suite 1173
Sacramento, CA 95814

Drafting Guidelines Workgroup

Co-Chairperson Oliver Brooks, MD, CMO, Watts Health Care Corporation and Immediate Past President, NMA (National Medical Association)

Co-Chairperson Robert Schechter, MD, MPH, Chief, Immunizations Branch, CDPH

Community Advisory Vaccine Committee

California Surgeon General Nadine Burke Harris, MD

CC:

Dr. Tomás Aragón, Public Health Director
California Department of Public Health
PO Box 997377, MS 0500
Sacramento, CA 95899

RE: Vaccinate All 58 and Immigrant Detention

Thank you for your proactive steps to secure the state of California in the face of the continued threat of COVID-19. We commend you for the creation of the “Vaccinate All 58” campaign, designed to ensure safety and equity with respect to the COVID-19 vaccine.

As organizations dedicated to serving immigrant communities, with an emphasis on representing and advocating for individuals in immigrant detention, we write to urge you to address the critical challenge posed by immigrant detention facilities in California.

Immigrants are a vital part of our communities, and are essential to the identity of California as a state. Thousands of California residents are affected by the issue of immigration detention, with parents, spouses, children or loved ones separated from their families and held in these facilities. As advocates we remain firmly committed to the safe release of all individuals from these horrific facilities, and recognize the importance of ensuring the health and safety of those who are forced to remain detained.

One of the six indicators put forth by this administration’s plan to reopen the state is the ability to prevent COVID-19 outbreaks in facilities which are vulnerable to infection, including detention facilities.¹ California is home to six immigrant detention facilities, five of which are operated by for-profit private corporations. All five of these private facilities have been the site of COVID-19

¹ See California’s Roadmap to Modify the Stay-at-Home Order, pg. 7

outbreaks. [Inquiries initiated by local advocates](#) have found a disturbing lack of coordination or oversight at these facilities.

While immigrant detention facilities are under the jurisdiction of the federal government, there are [clear requirements](#) for the operation of these facilities, which include explicit requirements to coordinate with and abide by state and local public health mandates. Furthermore the U.S. Ninth Circuit Court of Appeals has established that California has the right to exercise its police powers to “ensure the health and welfare of inmates and detainees in facilities within its borders.”²

During a pandemic in which the actions of a few can impact the well being of so many, accountability for private prison operators is paramount. The humanitarian crisis posed by the spread of COVID-19 in immigration detention facilities in California has had disastrous consequences for those detained in these facilities, as well as neighboring communities. The reckless disregard for human life in for-profit detention facilities is particularly dire as two additional detention facilities are set to open in the coming months, bringing the total capacity in these facilities more than 7,200 and the total number of private facilities to seven.

The American Medical Association has recently [adopted a policy](#) in support of improved health measures of prioritizing vaccine access to vulnerable individuals in immigrant detention. The policy notes, “Recognizing that detention center and correctional workers, incarcerated people, and detained immigrants are at high risk for COVID-19, the new policy also makes clear that these individuals should be prioritized in receiving access to safe, effective COVID-19 vaccines in the initial phases of distribution.”

We also believe that individuals in detention harbor serious fears and mistrust towards detention operators, and as a result may not feel safe accepting vaccines from detention operators. Given these serious challenges around trust towards detention operators we believe that public health officials and the community can play a vital role with respect to how vaccinations and information are presented and shared with individuals inside these facilities.

The California Collaborative for Immigrant Justice reached out to two detained individuals who have been organizing inside the Golden State Detention facility. They shared the following statement on the vaccine: “The vaccine should be available, especially because there are elderly people here and people who are vulnerable. But people want to get it from someone outside, not ICE. We need someone to come in and educate on what the vaccine is, someone that people trust.”

To that end we appeal to your respective offices and working groups to ensure the following with respect to the plans, processes and procedures related to the COVID-19 vaccine.

- 1.) California must include immigrant detention facilities located in the state of California in any plan related to securing our communities.**
- 2.) The Drafting Guidelines Workgroup, and the Community Advisory Vaccine Committee should meet with stakeholders on the issue of immigrant detention,**

² U.S. v. California, 921 F.3d 865, 886 (9th Cir. 2019)

including detained and impacted individuals, community organizations, and experts on immigration detention.

3.) California must do everything in its power to protect the health and safety of individuals in these facilities, including prioritizing their access to the COVID-19 vaccine, while providing them an informed choice with respect to any decisions related to vaccination.

Sincerely,

/s

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/s

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Organizational Sign-ons

Centro Legal de la Raza
California Immigrant Policy Center
American Friends Service Committee-San Diego
Inland Coalition for Immigrant Justice
Immigrant Legal Resource Center
San Joaquin College of Law - New American Legal Clinic
Central American Resource Center -CARECEN- of California
Secure Justice
Community Legal Services in East Palo Alto
NorCal Resist
North Bay Rapid Response Network: Napa, Solano and Sonoma Counties
Pacifica Social Justice
Kehilla Community Synagogue
Pangea Legal Services
National Center for Lesbian Rights
Familia: Trans Queer Liberation Movement
VIDAS Legal Services (North Bay)
Contra Costa Immigrant Rights Alliance
Pueblo Sin Fronteras
CALMA: Collective Action For Laborers, Migrants & Asylum Seekers.
Kern Welcoming and Extending Solidarity to Immigrants (KWESI)
Jewish Action San Diego
Desert Support for Asylum Seekers
Coastside Immigrant Advocacy Group
Dolores Street Community Services
Law Office of Helen Lawrence
Immigrant Legal Defense
Campaign for Immigrant Detention Reform (CIDR)
Alianza Sacramento