

January 26, 2021

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: Vaccine distribution in immigration detention

We are writing to follow-up on a prior letter we sent on this issue to which we have not yet received a response. [RE: Vaccinate All 58 and Immigrant Detention sent on December 16, 2021.] We remain gravely concerned about the fate of immigrants held in detention facilities across California. As we expressed in our prior letter, there has been no definitive clarity with respect to a plan, roll-out or timeline for the COVID-19 vaccine in these facilities.

On January 18, 2021, Henry Lucero, Executive Associate Director of Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations, told reporters that ICE is working with state and local public health departments on vaccine rollout in detention facilities. The article proceeds to cite an ICE spokesperson stating, “[S]tates...will determine when ICE detainees are vaccinated.”¹

In addition, it appears that ICE has committed to vaccinating its own personnel as well as staff in detention facilities, without providing any plan to vaccinate those detained. This comes at a time in which it remains unclear if individuals who are vaccinated can still spread COVID-19 to others. As a result ICE’s plan may allow COVID-19 transmission to continue within these facilities.

¹ Questions surround COVID-19 vaccine timeline for immigrants in ICE custody, Camilo Montoya-Galvez CBS News, Jan 18th 2021 <https://www.cbsnews.com/news/covid-19-vaccine-timeline-immigrants-ice-custody/>

Based on this announcement by ICE, our organizations have the following questions for your respective offices:

- Does the California Department of Public Health (CDPH) share ICE's position that it is ultimately responsible for determining when immigrant detention facilities in California receive the COVID-19 vaccine?
- Has CDPH or local public health departments engaged in conversations or planning with ICE with respect to vaccine distribution?
- What plans are in place to bridge the serious challenge of lack of trust and information for those held in these facilities with respect to medical access and vaccine distribution?
- What is the proposed timeline to provide clarity with respect to a distribution plan, or answers to any of the questions above?

In addition to these specific questions, we would like to reiterate the three requests that remain unanswered in our prior letter.

- 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, 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
Jackie Gonzalez
Policy Director
Immigrant Defense Advocates
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/s
Lisa Knox
Legal Director
California Collaborative for Immigrant Justice
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Organizations in Support:

NextGen California
Disability Rights California
California Immigrant Policy Center (CIPC)
NorCal Resist
Central American Resource Center - CARECEN- of California
Doctors for Camp Closure - Sacramento
Kern Welcoming and Extending Solidarity to Immigrants
Services, Immigrant Rights & Education Network (SIREN)
Dolores Street Community Services
Centro Legal de la Raza
Immigrant Legal Resource Center
Public Counsel
Coastside Immigrant Advocacy Group
San Francisco Immigrant Legal & Education Network
Public Law Center
SIREN (Services, Immigrant Rights and Education Network)
Los Angeles Human Rights Initiative
Long Beach Immigrant Rights Coalition
California Immigrant Youth Justice Alliance (CIYJA)
African Advocacy Network
Secure Justice
Pangea Legal Services
Law Office of Helen Lawrence
Community Legal Services in East Palo Alto
Desert Support for Asylum Seekers
North Bay Rapid Response Network: Napa, Solano and Sonoma Counties
Lakin & Wille LLP
Keck Human Rights Clinic
Immigrant Legal Defense
Bay Area Asylum Support Coalition (BAASC)
Asylum-seekers Sponsorship Project
National Center for Lesbian Rights
National Lawyers Guild - SF Bay Area, Immigration Committee
Council on American-Islamic Relations, California
Democratic Socialists of America - San Francisco