

# United States Senate

WASHINGTON, DC 20510

May 1, 2020

The Honorable Mike Pompeo  
Secretary  
U.S. Department of State  
Washington, D.C. 20520

The Honorable Chad Wolf  
Acting Secretary  
U.S. Department of Homeland Security  
Washington, D.C. 20528

Dear Secretary Pompeo and Acting Secretary Wolf:

We are deeply concerned that the Trump Administration is harming regional efforts in Latin America and the Caribbean to contain the current coronavirus pandemic by deporting migrants from the United States with COVID-19, in apparent disregard of public-health standards. With reports documenting that the Administration has deported dozens of Guatemalan, Mexican, and Haitian nationals who tested positive for COVID-19 upon arrival in their home countries, we believe that such actions exacerbate rather than combat the pandemic's global spread.

A cursory medical screening by Immigration and Customs Enforcement (ICE) that does not include testing for COVID-19 has reportedly failed to detect the disease in multiple cases.<sup>1</sup> Little regard seems to have been given to effectively screening, and testing, quarantining, and treating symptomatic migrants in accordance with medical guidelines before they are deported to countries lacking the public health infrastructure to treat them and cope with the subsequent spread of cases. In fact, as of yesterday, ICE has reported 490 cases among detainees since the COVID-19 outbreak began, and only about 1,030 tests have been conducted on nearly 30,000 ICE detainees nationwide.<sup>2</sup> Additionally, it appears that only beginning yesterday did ICE test migrants deported to Guatemala before they boarded their flight. It is unclear whether ICE will continue testing individuals deported to Guatemala, and whether ICE will test those deported to other countries.<sup>3</sup> Furthermore, the threat of visa sanctions in President Trump's April 10 memorandum may effectively muzzle objections by countries seeking to protect themselves from the arrival of deportees with COVID-19.

Nowhere in the Centers for Disease Control and Prevention's (CDC) March 20 order to temporarily suspend the entry of certain people who pose a serious danger of introduction of COVID-19 into the United States,<sup>4</sup> or in any public health guidelines, is there a recommendation to deport visibly-ill migrants without testing them for COVID-19. In fact, the opposite is true. World Health Organization

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<sup>1</sup> [https://www.washingtonpost.com/world/the\\_americas/us-is-deporting-infected-migrants-back-to-vulnerable-countries/2020/04/21/5ec3dcfe-8351-11ea-81a3-9690c9881111\\_story.html](https://www.washingtonpost.com/world/the_americas/us-is-deporting-infected-migrants-back-to-vulnerable-countries/2020/04/21/5ec3dcfe-8351-11ea-81a3-9690c9881111_story.html) ("In many instances, the screenings, which consist primarily of taking a person's temperature, have failed to detect cases.")

<sup>2</sup> <https://www.nytimes.com/aponline/2020/04/30/world/americas/ap-lt-virus-outbreak-guatemala-deportees.html>.

<sup>3</sup> Id.

<sup>4</sup> <https://www.federalregister.gov/documents/2020/03/24/2020-06238/control-of-communicable-diseases-foreign-quarantine-suspension-of-introduction-of-persons-into>.

(WHO) guidance states that, “Ill travellers with signs and symptoms of respiratory infection who have a history of exposure to COVID-19 should be isolated until they are able to be safely transferred to a health care facility for further assessment.”<sup>5</sup> The CDC “recommends that travelers avoid all nonessential international travel because of the COVID-19 pandemic,” adding, “Some health care systems are overwhelmed and there may be limited access to adequate medical care in affected areas.”<sup>6</sup>

Deporting migrants with COVID-19 to countries in the region without the capacity to adequately respond to the pandemic is an unwise breach of public health responsibilities and the need for a cooperative response to this crisis. Yet, reportedly more than 50 recent deportees from the U.S. to Guatemala have tested positive, at least two recent Mexican deportees have tested positive, and at least three migrants deported to Haiti last month also tested positive.<sup>7</sup> Haiti’s public health capacity is dangerously inadequate to cope with the spread of COVID-19 since the country has just 62 ventilators for 11 million people.<sup>8</sup> We understand that CDC personnel located in Guatemala City are currently reviewing the impact of deporting individuals that have tested positive for COVID-19 upon arrival in Guatemala. We expect to receive the results of this review and recommendations about how it will guide procedures for deporting individuals to countries across Latin America and the Caribbean.

Forcibly returning individuals infected with COVID-19 does not comport with the humanitarian and public health standards our nation must uphold in a time of pandemic. Continuing to deport COVID-19-positive individuals to countries that do not have the capacity to control its spread undermines the United States’ ability to defend against re-introduction of the virus once the epidemic is brought under control in the United States. We urge you to mandate COVID-19 testing for all migrants before they are deported or transferred from the United States, to ensure that migrants who test positive receive proper medical treatment, and to immediately end deportations of individuals who have tested positive or exhibited symptoms of COVID-19 until they have recovered and are no longer contagious. Thank you for your time and consideration. We look forward to your prompt response.

Sincerely,



RICHARD J. DURBIN  
United States Senator



ROBERT MENENDEZ  
United States Senator

<sup>5</sup> Management of ill travellers at Points of Entry (international airports, seaports, and ground crossings) in the context of COVID-19, <https://apps.who.int/iris/bitstream/handle/10665/331512/WHO-2019-nCoV-POEmgmt-2020.2-eng.pdf>.

<sup>6</sup> <https://www.cdc.gov/coronavirus/2019-ncov/travelers/faqs.html>.

<sup>7</sup> [https://www.washingtonpost.com/world/the\\_americas/us-is-deporting-infected-migrants-back-to-vulnerable-countries/2020/04/21/5ec3dcfe-8351-11ea-81a3-9690c9881111\\_story.html](https://www.washingtonpost.com/world/the_americas/us-is-deporting-infected-migrants-back-to-vulnerable-countries/2020/04/21/5ec3dcfe-8351-11ea-81a3-9690c9881111_story.html).

<sup>8</sup> Id.

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