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**3/26/2020**

#### **PRESS RELEASE**

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**\*\*\*\*FOR IMMEDIATE RELEASE\*\*\*\***

### **New York Immigrant Family Unity Project joins with Upstate New York Advocates to Demand Release of Immigrants at Severe Risk of Coronavirus Exposure**

On Wednesday evening, Prisoners Legal Services of New York (PLS), a New York Immigrant Family Unity Project (NYIFUP) provider, joined with Journey's End Refugee Services, the Law Office of Robert F. Graziano, Esq., and Muscato & Shatkin, LLP to file federal litigation seeking release of 23 immigrants in detention in Batavia, New York's Buffalo Federal Detention Facility (BFDF). The [Emergency Petition](#) alleges that the petitioners have been endangered by the failure of Immigration and Customs Enforcement (ICE), the federal agency that holds people at BFDF, to protect them against the risk of contracting COVID-19. Petitioners allege they are especially vulnerable to COVID-19 because of their age and underlying health conditions – which include diabetes, cancer, epilepsy, HIV, and chronic respiratory diseases.

Immigrants detained at BFDF are held in crowded conditions that defy urgent public safety directives from health experts and state and federal officials. Moreover, actions by ICE have exposed all people at BFDF to heightened risk. On March 12, 2020, ICE transferred 50 immigrants to BFDF from Bergen County Jail in New Jersey. Soon afterwards, a person detained at Bergen County jail tested positive for COVID-19. ICE also accepts individuals into BFDF from correctional facilities in Erie and Clinton County, where cases of COVID-19 have already been identified. People detained at BFDF must share sinks, bathrooms, and showers. Attorneys for petitioners have heard reports of immigrants lacking soap and sanitizing means. Earlier this week, immigrants detained at BFDF began a hunger

strike to protest the dire lack of the most basic sanitary resources and measures to ensure health at the facility.

An outbreak within the facility could quickly overwhelm both BFDf's limited medical capacity and that of local hospitals, according to professors of medicine and epidemiology. The nearest hospital in Batavia has only 133 beds available for both the 14,5000 town residents and the approximately 650 people detained in BFDf. To safeguard the people detained at BFDf and the surrounding community during this public health crisis, we are calling for the release of people from detention, particularly those who are most at risk of contracting COVID-19. With the habeas petitions filed today, we are asking the Western District of New York to do exactly that for this group of particularly vulnerable individuals.

“It is manifestly impossible to keep the 600 plus people in BFDf both detained and safe. Medical experts agree that traditional measures to guard against the spread of disease simply fail in detention settings”, said Joseph Moravec, counsel for Petitioners, “Our clients are being held in crowded facilities where they cannot eat, sleep, go to the bathroom, or otherwise live, except in dense communal conditions.” In addition, PLS Executive Director, Karen Murtagh said, “New York State is the epicenter of an extraordinary national public health emergency. There is absolutely no public benefit to continue holding people in dangerous detention centers. They are ‘sitting ducks.’ This is a literal life and death matter. To save lives, ensure public safety, and help prevent the unnecessary loss of life, we are seeking the release of our most vulnerable clients from Batavia Detention Center.”

“The friends and families of these detainees want their loved ones home where they can be cared for and where they can practice the physical distancing that all medical professionals worldwide are now prescribing for everyone”, said Bob Graziano, counsel for Petitioners.

The habeas petition can be found at:

<https://nebula.wsimg.com/7649211f0e720691fd70fc91b5679650?AccessKeyId=58077DB5116E2803DCE5&disposition=0&alloworigin=1>

The motion for a temporary restraining order can be found at:

<https://nebula.wsimg.com/f27e52faf78b7fcb5eccbb7a8d09afb2?AccessKeyId=58077DB5116E2803DCE5&disposition=0&alloworigin=1>

Petitioners' Memorandum of Law In Support Of Motion For A Temporary Restraining Order can be found at:

<https://nebula.wsimg.com/81defa7bef7f8ae6f95ce268950a3b20?AccessKeyId=58077DB5116E2803DCE5&disposition=0&alloworigin=1>

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*Prisoners' Legal Services of New York is part of the New York Immigrant Family Unity Project (NYIFUP), the nation's first and only state-wide public defender program that provides legal representation to detained immigrants facing deportation who otherwise would be unable to afford a lawyer.*