**Following up on Denial of *Fraihat* Custody Redetermination Request**

English:

According to an April 2020 court order in the lawsuit *Fraihat v. Immigration and Customs Enforcement,* ICE must review the custody status of people who are detained who have risk factors for more severe COVID-19. If that review does not result in release from detention, ICE must ensure that those people are adequately protected from the virus inside.

If your family/community member has submitted a Fraihat request that was denied, you may ask for more information. The following template includes some sample language and questions that you can customize.

Español:

Según la orden de abril del 2020 en el caso de *Fraihat contra ICE*, ICE tiene que evaluar la custodia de personas detenidas con factores de riesgo para el COVID-19. Si esta evaluación no resulta en la liberación de la persona, ICE tiene que garantizar que esa persona estaría adecuadamente protegida contra el virus mientras que esté detenida.

Si un miembro de su familia o comunidad ha enviado una solicitud de Fraihat que fue negada, puede pedir más información. La siguiente plantilla contiene ejemplos de lenguaje y preguntas que se pueden utilizar o modificar a su gusto.

Desafortunadamente, hay que enviar mensajes a ICE en inglés. Si necesita ayuda escribiendo un mensaje en inglés, puede llamar a nuestra línea de ayuda a (866) 422-0151. Estamos abierto 10am - 6pm los martes.

**Steps:**

1. Identify whether the Fraihat request was sent, received, and then denied. If so,
2. Decide whether you would like to follow up. These follow-up emails are not guaranteed to have any specific results, and it is unfortunately important to keep that in mind.
3. Customize the below template. The parts that are [IN CAPS AND BRACKETS] are for you to fill out with personalized information. You can also change other parts of the letter.
4. Send the email to as many of the following contacts as you would like:
	1. The Field Office Director of the detention center (You can search the Field Office and its main email [here](https://www.ice.gov/contact/field-offices?state=All&office=All&keyword=&page=0))
	2. The Assistant Field Office Director
	3. Your community/family member’s Deportation Officer (Call the detention center to ask for this contact information.)

**Letter Template:**

In response to the denial of the custody redetermination request submitted on behalf of [DETAINED PERSON’S NAME], I request information on efforts undertaken at [FACILITY NAME] to mitigate the spread of COVID-19 pursuant to the preliminary injunction issued on April 20, 2020 in *Faour Abdullah Fraihat, et al. v. U.S. Immigration and Customs Enf't, et al*., CV19-1546 JGB (SHKx) (C.D. Cal.)*.*

Due to [DETAINED PERSON]’s Risk Factors, including [INSERT RISK FACTORS], [DETAINED PERSON] is a *Fraihat* subclass member warranting protective measures while under ICE’s continued custody. Due to the *Fraihat* court’s finding on May 15, 2020 that gaps in guidance on responding to COVID-19 “are very likely to result in unconstitutional conditions of confinement for Subclass Members who remain detained,” we request information addressing the following.

**[The following questions are recommended for you to include.]**

* What was the reason for the outcome of the custody redetermination?
* Was [DETAINED PERSON] identified as having a risk factor? What was the date of that determination?
* Who conducted [DETAINED PERSON]’s custody redetermination (including titles and qualifications) and what was the procedure used to evaluate? Was [DETAINED PERSON] evaluated by medical and/or mental health professional(s) for purposes of assessing risk factors?
* Have there been precautions taken to protect [DETAINED PERSON]? Has there been an increase in monitoring of [DETAINED PERSON] by medical staff?

**[The following questions are additional; include them if they are relevant for you.]**

* What procedures have there been for educating [DETAINED PERSON] detained at [FACILITY] regarding measures to prevent the spread of COVID-19?
* Was information provided on the COVID-19 vaccine, including sharing the letter written by Dr. Homer Venters in [DETAINED PERSON]’s primary language, [LANGUAGE]?
* Was [DETAINED PERSON] offered the opportunity to be fully vaccinated against COVID-19, receiving both the full dose of Johnson and Johnson, Moderna, or Pfizer **and** the timely booster shot? When?
* How has [DETAINED PERSON] been able to engage in social distancing from others?
* Has Personal Protective Equipment (PPE)—including mask — been provided to [DETAINED PERSON]?
* What have the procedures been for isolating [DETAINED PERSON] if they become symptomatic when the number of people needing to be isolated exceeds existing isolation rooms or cells at [FACILITY]?
* How have you been ensuring the safe transport of people to and from [FACILITY], including to specialty care appointments?
* Have there been procedures for greatly limiting the transfer of people into [FACILITY] from other facilities?
* How have staff been trained at [FACILITY] to mitigate the spread of COVID-19 within the facility?