

Tom Homan: Liberal judges use coronavirus as excuse to free detained illegal immigrants, endangering public

Far-left advocates of open borders - who think we should welcome everyone around the world who wants to come to the U.S., give them government assistance and simply ignore our immigration laws - are using the coronavirus pandemic as an excuse to try to end the detention of illegal immigrants.

Two out-of-control liberal federal judges in California, one in Florida and one in Massachusetts recently issued dangerous and disturbing rulings that put public safety at risk and set impossible detention conditions for illegal immigrants - including convicted criminals who might commit new crimes and victimize people in our country if released.

If decisions like the ones by these judges are upheld on appeal and become precedents, judges will have the ability to overturn immigration laws enacted by Congress and past presidents.

FORMER ACTING ICE BOSS: JUDGE'S RULING ON TRUMP DETENTION POLICY WILL WORSEN IMMIGRATION CRISIS

The most recent judicial action seeking to nullify our immigration laws came Friday by U.S. District Judge Vince Chhabria in San Francisco when he issued an emergency order to establish a process to consider the release of some of the 400 illegal immigrants at two Immigration and Customs Enforcement (ICE) detention facilities in California.

In an earlier order Wednesday, Chhabria said ICE "has not come close to achieving social distancing" for over illegal immigrants at the two facilities.

No detainees at the two California facilities - the Yuba County Jail in Marysville and the Mesa Verde ICE Processing Center in Bakersfield - have tested positive for the coronavirus. But Chhabria, who was appointed by President Barack

Obama, wants the facilities to significantly cut their populations to enable detainees to stay at least six feet apart at all times to reduce the chances of the coronavirus infecting anyone should it enter the facilities.

Chhabria's ruling follows another decision Thursday U.S. District Judge Marcia G. Cooke in Miami. She ordered the release of most detainees at three ICE facilities in Florida.

The Miami Herald reported that Cooke found ICE failed in its "duty to protect the safety and general well-being" of detainees in facilities where social distancing was not possible in the face of the threat of coronavirus infection.

And in a third case, U.S. District Judge Terry Hatter in Los Angeles, who was appointed by President Jimmy Carter, ordered a mass release of illegal immigrants - some with significant criminal convictions - last week. The detainees are being held in the Adelanto Detention Center northeast of Los Angeles in a supposed effort to halt the spread of the coronavirus.

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But as is the case with the facilities covered by Judge Chhabria's ruling, there have been no cases of COVID-19 - the disease caused by the coronavirus - at Adelanto. And while the Adelanto center has space for almost 2,000 detainees it now holds only about 1,300. So it is absurd to claim the center is overcrowded. In fact, it is underutilized.

Hatter ordered that the Adelanto population must be reduced by several hundred people - without specifying an exact size - "to such a level that would allow the remaining detainees to maintain a social distance of six feet from each other at all times and six feet from the detention officers."

The federal judges are demanding an unreasonable standard of spacing for any jail, prison or any other detention facility to meet. No facility that I know of can do so without mass releases of detainees - including some who pose serious public safety threats.

Hatter ruled that criminals should not be prioritized for release. However, to get to the standard he and other judges have ordered this will have to happen. That's

because 89 percent of the people ICE arrests in the U.S. are either convicted criminals or face pending criminal charges.

Adelanto is operated by a contractor for ICE. It is run in compliance with the highest detention standards in the industry. It is clean and safe, but it was not built to be a five-star luxury resort filled with spacious suites. No federal, state, or local jail, prison or other detention facility meets such absurd standards.

Yet another recent decision made by a federal judge in Massachusetts also ordered the release of illegal immigrants because of the COVID-19 danger. One of those released was convicted of rape. How can anyone reasonably argue that this rapist poses no danger to innocent victims after being prematurely released?

The facilities affected by the rulings by the federal judges are just the first of many detention facilities that advocates of open borders are attacking and filing lawsuits against - using COVID-19 as the excuse to make it impossible to detain people who enter our country illegally.

If these types of rulings take effect nationally, they will create a magnet for even more illegal immigrants to cross our borders. After all, how can immigration laws that are impossible to enforce act as a deterrent?

Judge Hatter obviously didn't consider that there are no COVID-19 cases in Adelanto. There never have been. He also didn't take into consideration that the Adelanto facility has the highest detention standards in the industry - better than any other local, state, or federal detention facility in the U.S.

Hatter also clearly ignored the fact that Adelanto is one of the facilities that have adopted the highest detention standards in the industry, which are the Performance-Based National Detention Standards 2011 (PBNDS 2011). Please click on the link and take a look.

The PBNDS 2011 standards were crafted under the Obama administration to improve medical and mental health services, increase access to legal services and religious opportunities, improve communication with detainees with limited English proficiency, improve the process for reporting and responding to complaints, reinforce protections against sexual abuse and assault, and increase recreation and visitation.

Hatter also obviously didn't take into account that since COVID-19 became known, ICE detention facilities – including Adelanto – have taken immediate steps to protect detainees.

Guidance was issued that is in line with the Centers for Disease Control and Prevention and the World Health Organization. Best practices have been put into place for the prevention, assessment, and management of the coronavirus.

Employees and detainees at Adelanto have been given guidance on preventative measures to avoid the spread of the virus. There are additional measures now in place during the intake process to include screening specific indicators of COVID-19.

Specialized sanitation teams have been put into place to sterilize high-contact areas of ICE detention facilities. The facilities continue to work to limit non-essential visitation just as most hospitals and nursing homes have – and they have developed emergency plans for managing the coronavirus.

In addition, masks have been given to all staff and detainees at the Adelanto facility as a precautionary measure – despite having never had any cases of COVID-19. Health checks are made daily.

The service providers who run ICE detention centers specialize in the management of secure facilities and have unparalleled experience with the implementation of best practices for the prevention, assessment, and management of infectious diseases. They have been dealing with infectious diseases coming across the border for years.

The ICE detention facilities give all detainees access to clean water and soap. The facilities also provide around-the-clock access to health care.

In fact, nearly all of ICE's large contractor-run detention facilities have twice the number of health care staff as compared to other federal, state, and local facilities. ICE contract facilities also have negative pressure rooms in their medical wings, known as airborne infection isolation rooms.

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Those are the facts. Of course, no one can guarantee that anyone person will not be infected with the coronavirus, even in detention. But many detainees will be

safer in ICE facilities where the population is controlled and there is ready access to doctors and medical care.

No mass release is needed or practical. Let's just call these lawsuits against ICE detention facilities what they are: an attack on President Trump's immigration agenda. They are also an attack on the rule of law.

Those on the left will continue to use every crisis they can to achieve what they always wanted - even if it means releasing criminals who could victimize members of the public.

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We can all agree that the coronavirus pandemic is serious. But that doesn't mean the rule of law doesn't exist. It doesn't mean that those who knowingly violate the law shouldn't face consequences. It doesn't mean we stop being a nation of laws.

I hope that the Justice Department is gearing up for a fight and will appeal the dangerous and irresponsible rulings by the judges described above. This is a battle we cannot lose. If we don't fight hard against the tyranny of judges seeking open borders we will not only lose this battle, we will lose the entire war against the progressive agenda.

CLICK HERE TO READ MORE BY TOM HOMAN

Thomas Homan, the former Acting Director of Immigration and Customs Enforcement (ICE), joined Fox News Channel as a contributor in August 2018.

Source:

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