

Congress of the United States
Washington, DC 20515

Via Email

April 3, 2020

Matt Albence
Acting Director
U.S. Immigration and Customs Enforcement
1300 Pennsylvania Avenue, N.W.
Washington, D.C. 20229

CC: Raymond Kovacic
Assistant Director, Office of Congressional Relations
U.S. Immigration and Customs Enforcement
500 12th Street, SW, Mail Stop 5003
Washington, DC 2-536-5003
Email: ice-congressionalrelations@ice.dhs.gov

Dear Acting Director Albence:

The crisis of COVID-19 has created an urgency to address the glaring inequities in the current bond payment system. We write to urge ICE to use its authority to grant equal access to the online eBonds portal, as well as to consider other methods of payment by phone, or payment online through direct deposit systems for bond payments for detained individuals.

It is our understanding that due to the current public health crisis, bond offices at ICE's Enforcement and Removal (ERO) offices in parts of the country have been closed. Consequently, parties who are willing and able to pay bond to release detained immigrants are neither able to do so in-person nor online. Moreover, at present, with city and statewide "stay-at-home" orders, officials have asked all individuals to engage in the practice of social distancing and in various states have required non-essential businesses to be placed on pause. These preventative public health measures have created logistical challenges for detained individuals who are eligible to be released on bond. Friends, family members or community funds who pay bonds are required to pay in cash and typically require payment¹ with a cashier's check issued by a bank, which is difficult to obtain when a majority of physical bank branches are closed. When they are able to secure a cashier's check, they are required to spend hours in crowded ERO waiting rooms while their paperwork is processed. Additionally, when a local ERO bond office closes due to the pandemic, the need to pay in person creates a grave risk for parties who are required to travel to another state's ERO bond office to pay.

As mentioned above, individuals who wish to pay bonds have to surmount many obstacles. Based on its current eBonds system, DHS displays a preferential treatment for private surety

¹ Department of Homeland Security, U.S. Immigration and Customs Enforcement, Enforcement and Removal Operations, Bond Management Handbook, Effective date: 8/19/2014, ERO11301.1

companies, also known colloquially as a “bail bondsman,” by providing online access only to them. Moreover, it is our understanding that surety companies do not have to pay in full unless the bond is breached, while detained individuals have to pay the amount in full.² Furthermore, by only allowing eBonds portal access to surety companies it subjects detainees and family members to predatory lending due to high interest rates, costly processing fees, maintenance fees for electronic surveillance and the cost of bail -- all of which is cost prohibitive and places a greater financial burden on working classes families.

We hereby request more information regarding Department of Homeland Security – Immigration, Custom & Enforcement’s E-Bonds program by April 8, 2020:

1. Why is the eBonds portal only given access to private surety companies? Please provide a rationale for this action.
2. Please provide the current policies and any established MOUs or directives outlined by the agency. Will your agency expand eBonds portal access to detainees, their friends, families and community bond funds? If not, please provide a rationale for this action.
3. Why are detainees, their friends, families and community bond funds not given access to the eBonds portal? Please provide a rationale for this action.
4. Has your agency considered other methods of online payments either by phone or direct deposit? Why are such methods not available to detainees and their families?
5. In light of the current pandemic, is your agency considering expanding access to the eBonds portal for detainees, their friends, families and community bond funds? If not, please provide a rationale for this action.

ICE has the discretion to release individuals on their own recognizance or to allow immigrants who are eligible for release on bond. We reiterate our previous request from our Delegation letter to ICE dated March 18, 2020 -- to immediately release detained people who are in the vulnerable populations, such as the elderly, pregnant or those with underlying health conditions, and individuals who pose no threat to public safety in order to prevent the proliferation of COVID-19 in your detention facilities. We also urge ICE to increase access to remote bond payment options to limit the proliferation of COVID-19 by community spread because it would decrease in-person transactions. Expediting these changes creates meaningful alternatives to reduce harm and decrease the immigrant population housed in crowded congregate settings, especially during this public health emergency of COVID-19. We look forward to hearing from you on the outlined matters by April 8, 2020.

Sincerely,



Alexandria Ocasio-Cortez (NY-14)



Rep. Jerrold Nadler (NY-10)

² Ibid.

Carolyn B. Maloney

Rep. Carolyn Maloney (NY-12)

Nydia M. Velázquez

Rep. Nydia M. Velázquez (NY-07)

Grace Meng

Rep. Grace Meng (NY-6)

Adriano Espaillat

Rep. Adriano Espaillat (NY-13)

Eliot L. Engel

Rep. Eliot L. Engel (NY-16)