

EXHIBIT A



BRIEFING GUIDE: THE U.S. GOVERNMENT'S SYSTEMATIC MISTREATMENT OF CAMEROONIAN AND OTHER BLACK MIGRANTS

Records released to immigrant rights advocates raise serious questions about the treatment of Black migrants by the U.S. government, and how Black migrants and advocates are viewed by government officials.

BACKGROUND

Documents from [FOIA litigation brought by Project South, the Southern Poverty Law Center and the Center for Constitutional Rights](#) seeking information about the U.S. government's [treatment of Black immigrants deported between 2020 and 2021](#), including during the 2020 "Death Flights" to Cameroon and other African countries, reveal federal officials' disturbing attitudes towards Africa and their treatment of mass deportations as a sport, and highlight the necessity for continued transparency from U.S. immigration officials. The information released so far adds new and important context to the ongoing documentation by human rights groups across the country, who have extensively [reported](#) on and advocated against the chilling effect and inhumane nature of these deportations.

The U.S. government's continued lack of transparency in its practiced policies against Black immigrants is gravely concerning. Amidst the COVID-19 pandemic, deportations continued despite [allegations](#) of mistreatment and abuse at the hands of U.S. government officials and contractors while in U.S. Immigration and Customs Enforcement (ICE) custody, and serious concerns raised by [civil society](#) and [U.S. Congress members](#). The information that immigrant rights advocates have accessed thus far clearly demonstrates [racism](#) against Black migrants within the federal immigration sphere, as well as a practice of [heightened deportation](#), [exclusion](#), and [violence](#) of and towards Black migrants in comparison to other migrants.

I. DISREGARD FOR BLACK MIGRANTS AND HOSTILITY TOWARDS IMMIGRANT RIGHTS ADVOCATES: DOCUMENTS SHOW U.S. GOVERNMENT OFFICIALS DISREGARDING THE EXPERIENCES OF BLACK IMMIGRANTS AND FURTHERING PARANOIA AROUND PUBLIC SAFETY.

- (a) In a December 16, 2020 email to colleagues in response to a [Foreign Policy article](#) about the U.S. failing Cameroonian asylum seekers, Deputy Chief of Mission at the U.S. Embassy in Cameroon, Vernelle FitzPatrick, wrote: "As an aside, while I was at home, I used three Lyft drivers who were Cameroonians. One said he was in the United States illegally; he came on a visa six years ago and

stayed. He then complained about why his friends could not get visas. I flat out told him (diplomatically of course) that it was people like him that made it difficult to do so since he had violated our laws..." ([State Bates 340](#)). Various State Department officials responded to the email with statements like "Vernelle-Glad you were able to give the taxi driver a lesson on the impact of overstays!" and "Sometimes the loudest voices are the one [*sic*] that percolate through the noise." ([State Bates 339](#)).

- (b) An [email chain titled "FOR IMMEDIATE ATTENTION International Network of Activists Monitoring all ICE Air Flights Threatens OPSEC Worldwide" produced to us by ICE](#) shows disdain and paranoia in regards to advocates supporting migrants. The email includes a [Witness at the Border](#) presentation along with other reports. In one email, the Lead Field Intelligence Officer for ICE's San Antonio Field Office warns numerous others of "Major OPSEC and officer safety concerns." ([ICE Bates 128](#)) The mention of the military term OPSEC (Operations Security) indicates that immigrant rights advocates are being treated as "enemies" requiring a military response.
- (c) U.S. Department of State ("DOS") officials shared amongst themselves and with Department of Homeland Security ("DHS") officials [a cable generated by the U.S. Embassy in Cameroon](#) titled, "Cameroonians Have No Sympathy for Deportees from U.S." The cable stated, "The public's assessment of their fellow citizens' motivations and lack of scruples for seeking a new life in the United States is a sobering reminder for our visa adjudicators." ([State Bates 051](#))

II. ICE RACISM: DOCUMENTS REVEAL THAT HIGH-RANKING ICE OFFICIALS INVOLVED IN THE MASS DEPORTATION OF BLACK IMMIGRANTS VIEWED AFRICA WITH DISDAIN AND APPROACHED THE DEPORTATION OF AFRICANS AS A SPORT WHERE THEY KEPT TRACK OF THE "SCORE."

- (a) An [August 17, 2022 email](#) from ICE reveals that high-ranking ICE officials working as "Attaches for Removal," used racially insensitive language when discussing how they and their families were adapting to living in Africa: "[it] took us a while to find a Catholic church that was not 'aficanized' (*sic*), meaning long mass and lot's (*sic*) of singing and hand waving." ([ICE Bates 886](#))
- (b) The [same email chain shows ICE "Attaches for Removal" use sports terms to refer to missing out on the deportation of African immigrants](#) due to lack of travel documents: "[i]t sure is... don't need to be 0-2... still losing sleep over the last Gabon [deportation] we had to drop." ([Bates ICE 887](#))
- (c) In response to information about a removal flight to Rwanda on which an ICE public affairs staffer had been asked to take "imagery," an ICE official wrote, "Wow...that's gonna be super fun! LOL!" ([Bates ICE 327](#))

- (d) ICE categorized flights to Cameroon and other African countries as Special High-Risk Charter (SHRC) flights, a category usually reserved for individuals with overseas warrants or human rights violators, despite the fact that the flights mainly consisted of Black asylum seekers. ([Bates ICE 310](#))

III. COLLUSION BETWEEN U.S. AND CAMEROONIAN GOVERNMENT: DOCUMENTS CONFIRM THAT THE UNITED STATES AND CAMEROON GOVERNMENTS WORKED TOGETHER TO FACILITATE THE DEPORTATION OF ASYLUM SEEKERS.

- a. Various email chains between Department of State officials show that U.S. and Cameroonian governments closely coordinate deportations without clarifying what information the U.S. shares with Cameroonian officials about the persons who the U.S. is deporting. In an October 2020 email a State Department Regional Security officer acknowledged that for the deportation flight to happen they “must make a formal request through the Ministry of Foreign Affairs” and “The Embassy cannot guarantee their support or approval, as the political winds are always changing direction here.” ([Bates State 402](#))
- b. In a January 2021 email correspondence, a journalist from *Der Spiegel* asked, “Deportees from Cameroon claim that their membership documents of opposition groups (which were part of the asylum case documents) were handed to Cameroon authorities upon arrival, resulting in interrogations about these documents. Is that correct?” ICE responded, “In general, foreign nationals that are removed from the U.S. have their personal belongs and travel papers with them.” ([Bates ICE 311](#))

IV. WHAT ARE THEY HIDING? DOCUMENTS SHOW LACK OF CLEAR AND CONSISTENT FEDERAL POLICY.

Almost two years since [filing our FOIA request](#), and over two years since numerous members of [Congress advocated](#) to halt various deportation flights of Cameroonians to unsafe conditions, ICE, DHS and the DOS have **failed to produce any actual policies regarding how, whether and when migrants to the United States can be sent back to areas of conflict with life-threatening consequences**. To date, it remains unclear whether these agencies even have policies regarding such critical decisions. Instead, the documents we have received over the past several months show federal agencies defying federal court orders despite recognition of unfair treatment of Black migrants:

- (a) ICE deported a Cameroonian asylum seeker who was granted a temporary stay of removal from the Fifth Circuit Court of Appeals, and then told the Department of State that none of the Cameroonians who were deported “had open asylum claims” and “underscored that [ICE does] not issue removal orders until all asylum claims have been concluded.”. ([Bates State 246, 387](#))

- (b) In response to a news article about the Cameroonian deportations that cited an immigration attorney's opinion that the Jena, Louisiana immigration court's "harsh" approach "symbolizes recent changes that have weaponized Southern courts for deportation," a State official wrote, "[The concept that the cases being brought by African asylum seekers are being tried by 'weaponized Southern courts', if true, is incredibly disturbing.](#)" (Bates State 339)
- (c) In response to media inquiries about [travel documents issued by "Honorary Consul" Charles Greene in Houston, Texas](#), ICE maintained that "[t]ravel documents issued by an Honorary Consul are considered valid and sufficient to execute removal" ([ICE Bates 1632](#)) even though the Cameroonian Embassy in Washington, D.C. told a reporter that there is "no honorary consulate in Texas and they do not honor travel documents from [Charles Greene]." ([ICE Bates 1636](#))

V. BLACK IMMIGRANTS CONTINUE TO FACE ABUSE AND RACIAL DISCRIMINATION AT THE HANDS OF U.S. IMMIGRATION SYSTEM. FOIA DOCUMENTS AS WELL AS HUMAN RIGHTS REPORTERS SHOW SUCH DISCRIMINATION BY DHS, ICE, U.S. CITIZENSHIP AND IMMIGRATION SERVICES (USCIS), DOS AND EXECUTIVE OFFICE FOR IMMIGRATION REVIEW (EOIR).

- (a) In an email regarding how to respond to a journalist inquiring about torture allegations at the Winn Detention Facility in Louisiana, an ICE public affairs official suggests responding with boilerplate language to serious allegations of torture, writing "Team, let's add how we would internally investigate claims of misconduct as well through OPR. I know we have some standard language somewhere..." ([ICE Bates 271](#))
- (b) In response to a September 16, 2020 inquiry from NPR News about a Cameroonian woman who allegedly experienced a nonconsensual gynecological procedure at Irwin County Detention Center, an ICE official confirmed internally that, "The detainee was at Irwin when the surgery occurred...We have a bunch of queries on this case." ([ICE Bates 1370](#)).
- (c) In an email discussing Representative Sheila Jackson Lee's visit to an ICE detention center to meet with a Cameroonian woman, Southern Region Public Affairs Director writes, "Congress inserted funding that members of Congress are allowed to visit any ICE facility and we're required to let them in," suggesting that without this requirement the visit would have most likely been denied. ([ICE Bates 1615](#))
- (d) **Recent complaints documented by human rights organizations reveal discriminatory treatment by U.S. government agents and ICE officials or contractors against Black and Brown persons while in immigration detention.**

Human Rights Watch has extensively [documented](#) allegations of discrimination and [torture](#) against Cameroonian and Black migrants while in ICE custody, and the culpability of U.S. government officials in heightening the risk of harm Cameroonians faced by Cameroonian authorities, including ICE “[playing a direct role in de facto transfers](#)” to the Cameroonian authorities.

(e) Racial inequity within the U.S. criminal justice system directly impacts the deportation of Cameroonians and other Black immigrants.

In comparison to others, Black immigrants who are in ICE detention are [subjected to higher bond payments](#), forcing them to remain in disproportionately prolonged periods of ICE custody. As demonstrated in RAICES’ [analysis](#) of its data over a two year period between June 2018 and June 2020 revealed that the organization made an average bond payment of \$10,500, but specifically in regards to Haitian immigrants, the organization's bond payments were strikingly **54% higher** at \$16,700.

Moreover, numerous Cameroonians have been subjected to unfair adjudications of their asylum cases due to due process concerns arising from “[communication barriers, alleged asylum officer errors and misconduct, possible factual inaccuracies and lack of impartiality by immigration judges, and limited access to legal counsel and information](#).”¹

(f) Rates of Credible Fear Interview (CFI) and asylum denials are higher for Black immigrants.

For years, the rate of asylum denials among Black immigrants has been disproportionately higher across the board: from Fiscal Year 2019 to Fiscal Year 2020, Cameroonians faced [20% more asylum denials](#); Haitians faced an [87% denial rate](#) between 2012-2017; and Jamiacans faced a [92% denial rate](#) between Fiscal Year 2000 to 2005.

¹ Other well-documented [human rights abuses](#) include systemically racist practices towards Black and brown asylum seekers at the hands of ICE. Such actions include, but are certainly not limited to, ICE unjustifiably extending administrative detention without parole, as well as subjecting asylum seekers to harsh prison conditions, excessive force, solitary confinement, segregation, medical neglect, and deprivation of food: **i.** Before facing deportation, 18 Cameroonians were subjected to “[forced fingerprint\[ing\] on documents, pepper spray, painful restraints, and abusive solitary confinement, isolation, or segregation](#).” **ii.** Eight deported Cameroonians reported suffering from Covid-19 during their detention in ICE facilities, “[with ICE or ICE contractors failing to take adequate measures to prevent or respond to outbreaks](#).” **iii.** Twelve detainees [reported](#) suffering from medical neglect while in ICE custody.