



POLITICAL ASYLUM/ IMMIGRATION REPRESENTATION (PAIR) PROJECT
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John Morton, Director
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
500 12th Street. SW
Washington. DC 20536

Re: Comment on ICE's Proposed Policy for Resumed Removals to Haiti

Dear Director Morton,

The Political Asylum/ Immigration Representation Project (PAIR) is writing to oppose ICE's proposed policy for resumed removals to Haiti.

PAIR is a nationally recognized organization that works to secure safety and freedom for asylum-seekers who have fled from persecution throughout the world and to promote the rights of immigrants unjustly detained. PAIR's Pro Bono Asylum Program is the leading program in Massachusetts to recruit, mentor and train attorneys from private law firms to represent without charge low-income asylum-seekers. PAIR's Detention Program is the only immigration legal services program with negotiated access to all three major ICE detention centers in Massachusetts. Last year, PAIR -- through staff attorneys, fellows, *pro bono* attorneys from the AILA New England Chapter and private practices, and five law school immigration clinical programs -- advised and represented over 1,000 immigration detainees.

Removals to Haiti at this time are Inhumane

The PAIR Project believes that it is inhumane to deport anyone to Haiti at this time, whatever his or her criminal history, since the country is in the midst of a historic crisis which has rendered the government unable to protect its citizens' lives or provide the most basic of services. Even prior to the 2009 earthquake in Haiti, individuals removed to Haiti because of criminal convictions faced dangerous conditions in the police holding facilities where they were routinely held, as well as threats related to Haiti's longstanding political instability and violence. More recently, the earthquake has devastated Haiti's already insufficient infrastructure, caused

displacement of over a million persons – many to squalid and dangerous camps, and exacerbated pre-existing problems of political and social violence, weak rule of law, and widespread impunity for acts of violence. At a time when Haiti is unable to meet the needs of so many of its citizens, the country is not in a position to handle the additional burden of properly re-integrating and protecting those who would be forcibly returned to Haiti from the United States under the proposed policy.

Haiti's fragile and, in many respects, worsening conditions, and the danger posed to persons forcibly returned, are documented in many reports and statements by the U.S. State Department, NGOs, the Inter-American Commission on Human Rights (IACHR) and other international human rights bodies. For example, the U.S. State Department, in its Haiti Travel Warning of January 20, 2011, "strongly urge[d] U.S. citizens to avoid all travel to Haiti unless essential and only if ... fully supported by organizations with solid infrastructure, evacuation options, and medical support systems in place," in light of Haiti's "critical crime level, cholera outbreak, frequent and violent disturbances in Port-au-Prince and in provincial cities, lack of adequate medical facilities, and limited police protection."

Cholera has already claimed the lives of over 4,000 Haitian nationals and recent studies suggest that the epidemic will sicken another 800,000 by the end of the year. Deportees with criminal records are even more susceptible to cholera as they face detention upon their return. Jail conditions for deportees, which federal courts and international human rights observers had condemned well before the earthquake, have deteriorated further. Of twenty-seven individuals removed by the United States this year, already one has died of cholera-like symptoms: Wildrick Guerrier. Mr. Guerrier received no medical attention while incarcerated despite exhibiting signs of cholera. While the State Department's most recent Human Rights Report on Haiti was released prior to the cholera outbreak, its analysis of deplorable conditions of detention in Haiti makes unmistakable the risk of contracting cholera to which detained returnees would be vulnerable:

"Prisons and detention centers throughout the country remained overcrowded, poorly maintained, and unsanitary. . . Many prison facilities lacked basic services such as medical services, electricity, and medical isolation units for contagious patients. Many

prisons also periodically lacked water. Many prisoners and detainees suffered from a lack of basic hygiene, malnutrition, and poor quality health care and illness caused by the presence of rodents. . . In some prisons the incidence of preventable diseases such as AIDS, malaria, and drug-resistant tuberculosis remained a serious problem..." U.S. State Department, 2009 Human Rights Report: Haiti, March 11, 2010.

Given that Haiti has simply not adequately recovered from this momentous catastrophe, we implore you to refrain from resuming any deportations to Haiti yet.

Removals Not Necessary to Protect US Public Safety

The PAIR Project does not believe that removal of individuals to Haiti is necessary to protect public safety in the United States. It is our understanding that the policy would result in the deportation of individuals whose convictions are neither recent nor inherently violent. We are especially troubled by the arrest and detention of individuals in late 2010 whose convictions are several years old and who have not subsequently re-offended. The targeting of such individuals for removal belies ICE's stated interest in protecting the US public, while simultaneously causing enormous hardship to the US and LPR family members of those slated for removal.

For all of the above reasons, we urge ICE to suspend removals to Haiti.

Sincerely,

The Political Asylum/Immigration Representation Project

CC: President Barack Obama