



## Yale Law School

ALLARD K. LOWENSTEIN INTERNATIONAL HUMAN RIGHTS CLINIC

James J. Silk, *Clinical Professor of Law*

March 18, 2011.

Secretary Janet Napolitano  
Department of Homeland Security  
U.S. Department of Homeland Security  
Washington, DC 20528

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

Dear Secretary Napolitano:

We write to comment on the Policy for Resumed Removals to Haiti posted on the website of Immigration and Customs Enforcement (ICE) on March 7, 2011. We strongly urge ICE to suspend all deportations and removals to Haiti. Our investigation of Haiti's detention program indicates that Haitian nationals who are removed from the United States following a criminal conviction face grave risks to their health and safety. The Haiti detention program involves jailing removed Haitian nationals upon their return for a period of at least ten days in subhuman conditions, where they are denied adequate sanitation, food supply and potable water. Deporting and removing individuals at this time will endanger their lives while doing little, if anything, to further the goals of U.S. immigration policy.

In October 2009, our team—three Yale Law School students and one professor—traveled to Port-au-Prince to investigate what happens to individuals when the United States returns them to Haiti. Our fact-finding mission focused on deportees who had been U.S. permanent legal residents until they were convicted of crimes that made them removable.

During our nine-day visit to Haiti, we held interviews with approximately sixty people. Almost two-thirds of the interviewees were people who had been through the deportation and detention process; the majority allowed us to record our conversations and gave us permission to use their names. We spoke with officials in the Haitian government who implemented the policy, including members of the Ministry of Interior, Ministry of Foreign Affairs, the Office of National Migration, and the National Police. We visited three (out of six) of the jails in the Port-au-Prince area in which deportees were held upon arrival. We made two visits to the main holding facilities at the Direction Centrale de la Police Judiciaire (DCPJ), headquarters for the National Police, and were accompanied by United Nations investigators during one visit during which we interviewed detainees in the holding cells themselves.

We discovered that the detainees are kept in inhumane conditions, where their health and safety are at serious risk. The detainees are jailed in cells that lack electric light and have extremely poor ventilation and no sanitation facilities sufficient to enable the detainees to

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maintain even minimal hygiene the minimal hygiene necessary to avoid contracting contagious diseases such as cholera. The temperature in the cells can reach temperatures above 100 degrees. Vermin and insects, especially mosquitoes, are a serious problem. The detainees are not provided with food or water. They must rely on someone outside the police station to bring them food and water; if they have no relatives who can bring them food and potable water, they are dependent on fellow inmates' families. The conditions heighten the danger of sickness, including serious communicable diseases.

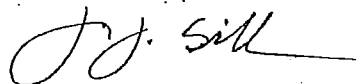
Our team made these observations in October 2009, several months before the earthquake that devastated the Port-au-Prince area. Now Haiti is struggling with disease, administrative dysfunction, and societal disorder on a magnitude far greater than before. The safety of deportees is at greater risk now than ever. Restarting deportations only hinders efforts to help Haiti heal and rebuild.

As we understand it, more than 700 individuals have been scheduled for removal to Haiti. Each of these individuals will face inhumane and life-threatening treatment should he or she be returned to Haiti. By resuming deportations at this time, ICE will be contributing to a human rights catastrophe and violating international obligations and deep national commitments to human rights. Deportations and removals must be suspended until such time that people returned to Haiti do not face the dangerous conditions we documented.

Thank you for your consideration of these comments.

Sincerely,

Nwamaka Ejebe  
Peter Liem  
Igor Norinsky  
Student Members



James J. Silk  
Clinical Professor of Law