

n a t i o n a l
IMMIGRATION
p r o j e c t
of the National Lawyers Guild

March 11, 2011

14 Beacon Street, Suite 602
Boston, MA 02108
Phone 617 227 9727
Fax 617 227 5495

Re: Policy for Resumed Removal to Haiti

haitipolicycomments@dhs.gov.

Board of Directors

Rosemary Esparza, Chair
Venice, CA
Sonia Parras-Konrad, Vice-chair
Des Moines, IA
Susan Alva
Los Angeles, CA
Maria E. Andrade
Boise, ID
Ahilan Arulanantham
Los Angeles, CA
Marla Baldini-Potermín
Chicago, IL
Andrea Black
Austin, TX
Robin Bronen
Anchorage, AK
Rex Chen
Newark, NJ
Susana De León
Minneapolis, MN
Barbara Hines
Austin, TX
Linton Joaquin
Los Angeles, CA
Christina Kleiser
Knoxville, TN
Javier N. Maldonado
San Antonio, TX
Jonathan Moore
Seattle, WA
Rogelio Nuñez
Harlingen, TX
Judy Rabinovitz
New York, NY
Rebecca Sharpless
Miami, FL
Stacy Tolchin
Los Angeles, CA
Marc Van Der Hout
San Francisco, CA
Michael Wishnie
New Haven, CT

To whom this may concern:

The National Immigration Project of the National Lawyers Guild objects to the recently released Immigration and Customs Enforcement (ICE) "Policy for Resumed Removals to Haiti" to deport Haitians. ICE's policy has already led to one death and the deportation of 27 Haitians into a humanitarian crisis that has not abated since the earthquake in January 2010. Well-documented catastrophic human rights and environmental conditions virtually guarantee a death sentence for anyone deported to Haiti. In February 2010, Caroline Bettinger-López from the University of Miami Human Rights Clinic, Michelle Karshan from Alternative Chance, and Marleine Bastien from FAMN/Haitian Women of Miami went to Haiti to conduct interviews with 27 deportees. Reports of a horrific deportation and detention process are documented in an emergency petition filed by several domestic and international groups with the Inter-American Commission on Human Rights (IACHR).¹

We also object to the dishonest way the government implicitly justifies deportations by characterizing everyone as criminals. According to the Center for Constitutional Rights (CCR) which was involved in coordinating the monitoring of the Haitian deportees, "[s]ome of the deportees are convicted of minor drug offenses or misdemeanors; others did not even receive jail time in the United States. ICE's claim that it needed to resume deportations because it could no longer legally hold these men and women in detention is also misleading. Most of those currently facing deportation were Haitians who had served their time years ago and were living law abiding lives in their communities as legal residents in the US and who were suddenly and unexpectedly rounded up before the holidays in December."²

Moreover, even if these people were all serious criminals, that wouldn't justify subjecting them to additional risk or hardship of being removed to a country where the risk of death is very high.

¹ The petition, submitted by the University of Miami School of Law Human Rights and Immigration Clinics, the Florida Immigrant Advocacy Center, the Center for Constitutional Rights, Alternative Chance and the Loyola Law Clinic and Center for Social Justice, argues that deporting people at this moment to Haiti, which is still reeling from the devastating January 2010 earthquake and is burdened with a massive cholera epidemic, political unrest, and rampant street violence, will result in serious human rights violations, including deprivations of the rights to life, family, and due process, and freedom from cruel or unusual punishment. <http://ccrjustice.org/newsroom/press-releases/rights-groups-file-emergency-human-rights-petition-stop-imminent-deportation>

² The CCR has created a list of documents describing the names and criminal convictions of the deportees. <http://ccrjustice.org/ourcases/current-cases/iachr-haitian-removals>

Lastly, the public was given only one week to submit comments on a policy that has already been implemented. This incredibly short and non-transparent comment process cuts short public dialogue on this important issue.

Until the Haitian government can provide for the safe return of its nationals and the rule of law returns, deportations to Haiti must stop.

If you have any questions, please do not hesitate to contact Paromita Shah at (202)-271-2286.

Sincerely,

Paromita Shah