

National Lawyers Guild, Loyola New Orleans Chapter
Loyola University New Orleans College of Law
7214 St. Charles Ave.
New Orleans, LA 70118

March 17, 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, members of the Loyola University of New Orleans College of Law Chapter of the National Lawyers Guild, 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. Our comments address serious concerns with both the substance of the decision to resume deportations to Haiti, as well as the lack of transparency surrounding this decision. Importantly, our concerns largely stem from the experiences of our members, many of who met face to face with Haitians subject to removal proceedings, including several dozen Haitians held in Tensas Parish Detention Center (Louisiana) on December 21, 2010 and over fifty detainees held at the South Louisiana Correctional Center in Basile, Louisiana on Tuesday, December 28, 2010. As we underscore below, the United States' decision to resume deportations to Haiti at this time has already resulted in grave human rights violations. We strongly urge our country to stop deportations, respect its human rights obligations, and discard this senseless removal policy.

It is well established that Haitian deportees are subjected to horrific detention conditions once they arrive in Haiti. Cholera is widely present in Haitian police station holding facilities and lack of functioning toilets, crowded conditions and other factors make contracting cholera more likely. These conditions led to the tragic death of Wildrick Guerrier, who was deported by the US on January 20. It is also well established that conditions in Haiti are dire. Roughly 1.5 million Haitians remain homeless and living in tents or under tarps in and around Port-au-Prince. Lack of food, water, and other necessities is an ongoing crisis throughout Haiti. The cholera epidemic has infected more than 231,000 people and claimed approximately 4,500 lives, so far. Absolutely no one should be deported into these conditions. For these reasons, many of the Haitians our organization visited at the Louisiana detention centers expressed a fear of being imprisoned in unsanitary, violent and inhumane conditions upon their arrival to Haiti, and therefore, considered the possibility of deportation a "death sentence."

Importantly, deportations to Haiti violate international human rights standards such as the right to life, the right to family integrity and the right to fair and due process. For more information, please see the petition of the Center for Constitutional Rights (CCR) to the Inter-American Commission on Human Rights (IACHR) at: <http://ccrjustice.org/ourcases/current-cases/iachr-haitian-removals>, as well as IACHR's decision at: <http://www.cidh.oas.org/Comunicados/English/2011/6-11eng.htm>.

Furthermore, most of those Haitians currently facing deportation had served their time years ago and were living law abiding lives in their communities as legal residents in the US when they were suddenly and unexpectedly rounded up before the holidays in December. Many of those awaiting deportation have family members, including dependent children, who are US citizens in the US. Many deportees lack family or any loved ones in Haiti. Research of CCR and other human rights organizations has found that some of those already deported have stated that they fear for their survival.

Because deporting anyone to Haiti under current circumstances is inhumane and life-threatening, we echo many human rights organizations and request that DHS:

1. Immediately halt all deportations to Haiti.
2. Based upon humanitarian factors, grant deferred action and/or stays of removal to all Haitians with final orders of removal.
3. Meet with representatives of the undersigned organizations to discuss the March 7, 2011 policy.
4. Immediately halt roundups and detention of Haitian nationals in the United States and release those currently in custody.
5. Extend the comment period for at least one month and simultaneously suspend deportations to permit a true review process.
6. Publicly release information about the basis for the newly announced DHS policy, and explain what assessment was conducted of the circumstances in Haiti prior to the change in policy.

Sincerely,

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