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|-----------------|---|
| From: | Rose Murray (b)(6) @splcenter.org> |
| To: | (b)(6) @state.gov>; Diane Paul <(b)(6)> |
| CC: | Dew, Ellen (b)(6) @dlapiper.com>; Benson Njuguna (b)(6) (b)(6) Luz Lopez <(b)(6) @splcenter.org> |
| Subject: | Re: URGENT: Person with stay of removal deported today; ICE refused to deplane him |
| Date: | Thu, 12 Nov 2020 13:31:03 +0000 |

I'd also like to request that you involve the Political Affairs officer as soon as possible as the plane has landed in Douala.

Enviado desde mi iPhone

El nov. 12, 2020, a la(s) 7:25 a. m., Rose Murray <(b)(6) @splcenter.org> escribió:

Dear (b)(6) thank you so much from your response. He won a stay of removal at the Fifth Circuit at 3:35 pm via a verbal order (written order later issued at 4pm). ICE was notified at 3:41 pm. In violation of the Court's order, they did not hold him from the flight.

Our ask is that the U.S. government (meaning State working with DHS) honor the court's stay issued prior to departure, bring him right back on the same flight and to honor the 5Th circuit stay. The mechanism through which I understand they will need to do so is advance parole him on humanitarian grounds to his family in Bowie, Maryland, for 1 year in order to await and complete the BIA proceedings, and waive the fee and photos requirement. ICE has his original Cameroon government ID in its custody. The procedure is for ICE to issue advance parole, notify the U.S. consular officers at the appropriate post, and the U.S. Embassy or Consulate will provide a transportation/boarding letter authorizing the person's return by air.

We request Mr. Tikum be granted advance parole for 365 days in order to complete his immigration proceedings at the BIA, returned immediately, and found at the Douala airport and provided witness and protection due to the danger that he faces until he is able to safely return.

 **Rose Murray** She/her/ella
Direct Services Attorney | Southeast Immigrant Freedom Initiative, Louisiana (Chahta Yakni an Chitimacha Land, Bulbancha)
Southern Poverty Law Center
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Admitted in Louisiana
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If you would like to inquire about direct legal services, please call the Helpline number to complete an interview. Thank you! Si quiere hablar sobre los servicios legales, por favor que se llame a la línea de ayuda a 229.838.6500 y completar una entrevista. Gracias!

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From: (b)(6)@state.gov>
Sent: Thursday, November 12, 2020 6:35 AM
To: Diane Paul <(b)(6)>
Cc: Rose Murray <(b)(6)@splcenter.org>
Subject: Re: URGENT: Person with stay of removal deported today; ICE refused to deplane him

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning:

I received your message. Alien removals/deportations is a process controlled by the Department of Homeland Security.

Would you like me to share this with the Department of a homeland Security and encourage them to respond to you?

Best regards,

(b)(6)
Cameroon Desk
US Department of State

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From: Diane Paul <(b)(6)>
Sent: Thursday, November 12, 2020 2:20:28 AM
To: Mossberg, Benjamin D <(b)(6)@state.gov>
Cc: Rose Murray <(b)(6)@splcenter.org>
Subject: URGENT: Person with stay of removal deported today; ICE refused to deplane him

Dear (b)(6)

Please allow me to introduce you to Rose Murray, counsel for Mr. Kem Divine Tikum, a citizen of Cameroon who was removed today, Nov. 11, 2020 on a flight out of AFW that was scheduled at 3:37 pm; left at 3:59 p.m. CST bound for Senegal and then the airport in Douala, Cameroon. It will arrive, according to the flight plan, at 2:30 p.m. in Douala.

Ms. Murray works with the well-known civil rights organization Southern Piverty Law Center's immigrant rights initiative.

The following information comes directly from Ms. Murray. SPLC and many other civil/immigrant/human rights organizations are as you know committed to ensuring the rights of all asylum-seekers in accordance with international law. Ms. Murray has some specific requests for assistance from the US Department of State and the US Embassy in Cameroon. We respectfully request that you forward this information and those requests (see below) without delay to the Charge d'Affaires, US Embassy Yaoundé. We hope to see Mr. Tikum returned immediately to the United States.

I would suggest that in addition to Ms. Murray's requests, Mr. Tikum be met at the airport by US Embassy personnel to ensure he is not turned over to the Cameroonian authorities. If ICE refuses to immediately return him, we request that he be temporarily housed until he is returned to the United States. Please understand that Mr. Tokum has no criminal history and has been granted a new hearing based on new evidence. Given his traumatic history, we have strong hopes he will be granted asylum. We are all deeply concerned that survivors of torture are being returned to Cameroon and elsewhere in violation of both international asylum law (specifically, refoulement) and very possibly the CAT. In addition, as we discussed previously, there have been serious allegations of human rights violations against some of the deported individuals by ICE agents. UNHCR, OHCHR and ICRC have all been made aware of the situation and all have responded with concern.

Now to Ms. Murray's report. Her contact info follows. Thank you for your assistance with this difficult situation, (b)(6)

Our client is Kem Divine Tikum, a citizen of Cameroon who was removed today, Nov. 11, 2020 on a flight out of AFW that was scheduled at 3:37 pm and actually left at 3:59 p.m. CST.

Mr. Tikum currently has a Motion to Reopen pending with the Board of Immigration Appeals after losing his appeal of the Immigration Judge's decision denying his application for asylum, withholding of removal, and relief under the Convention Against Torture. Mr. Tikum was tortured by the military in Cameroon based on his political opinion. His appeal is currently pending in the 5th Circuit Court of Appeals. In addition, in light of new evidence regarding the continuing danger to Mr. Tikum's life if he is returned to Cameroon, we have filed a motion to reopen his case before the Board of Immigration Appeals and a Motion to Stay his Removal. Both motions remain pending before the BIA. As soon as we learned about his scheduled removal, (late 11/10/20), we invoked the process to have his Motion to Stay Removal heard on an emergency basis but the BIA has not responded to our request.

The BIA offices were closed today, 11/11/20 for the Veterans Day Holiday so we refiled the motion to stay removal in the 5th Circuit on an emergency basis and we were granted a temporary administrative stay (telephonically, at or around 3:35 pm on 11/11/20). We relayed that order to the AFOD and his Dos between 3:41 and 3:43 pm as soon as we received it from the court. Around 4:00 pm, we were told that the flight had already departed at 2:30. After tracking the flight, Omni Charter N207AX, we learned its actual scheduled departure was 3:37 and its actual takeoff time was 3:59 pm.

Mr. Tikum was tortured by the Cameroonian military because of his participation in the SCNC political party. He was severely beaten, hospitalized, his grandmother was persecuted, and his store was burned down. In addition to the torture that forced Mr. Tikum to flee Cameroon, over the summer (and while he was detained in the United States) soldiers in Cameroon attacked his wife and threatened to kill his young child when they came looking for Mr. Tikum in Cameroon. It's clear that he faces near certain death if he is returned.

Because ICE disregarded the temporary Stay of Removal issued by the Fifth Circuit on 11/11/20 and allowed his deportation to proceed anyway; and because of the grave danger he faces if returned to Cameroon, ICE should issue an advance parole for humanitarian grounds as well as to comply with the Fifth Circuit stay; and work with US consular officers in Cameroon to obtain a travel letter or advance parole visa. Although under a discretionary return, the returnee is generally required to pay his or her own costs back to the US, because the error here was ICE's, ICE must return Mr. Tikum. The procedure is for ICE to issue advance parole, notify the U.S. consular officers at the appropriate post, and the U.S. Embassy or Consulate will provide a transportation/boarding letter authorizing the person's return by air.

We request Mr. Tikum be granted advance parole for 365 days in order to complete his immigration proceedings at the BIA.

Rose Murray She/her/ella

Direct Services Attorney | Southeast Immigrant Freedom Initiative, Louisiana (Chahta Yakni and Chitimacha Land, Bulbancha)

Southern Poverty Law Center

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