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ICE Formalizes Policy to Deport Haitians During Humanitarian Crisis

Groups Denounce Policy as a Death Sentence, Cite Human Rights Violations That Will Result From Deportations

April 6, 2011, New York and Miami – Yesterday, the Immigration and Customs Enforcement (ICE) agency of the United States Department of Homeland Security announced its intent to continue deporting Haitian nationals. In response, the Center for Constitutional Rights, University of Miami School of Law Human Rights Clinic and Immigration Clinic, and Florida Immigrant Advocacy Center issued the following statement:

ICE's recent decision to resume deportations of Haitian nationals amounts to a death sentence. Resuming deportations at this time is inhumane and incompatible with basic human rights norms. ICE should immediately revoke its policy and take seriously the grave concerns expressed last month by hundreds of people in the U.S. about its decision to resume deportations. We have learned of hunger strikes in Louisiana detention facilities as a result of the policy posting.

In the wake of the January 12, 2010 earthquake that devastated Haiti, ICE halted deportations from the U.S. to Haiti on humanitarian grounds, until "conditions improve." We were shocked when ICE unexpectedly announced in December 2010 that it was lifting the ban on deportations to Haiti for individuals with criminal convictions and began rounding up Haitian community members.

A wide range of immigrant rights and human rights organizations warned that deportation could be a death sentence. Our organizations petitioned the Inter-American Commission on Human Rights to intervene. Yet, the first plane of deportees was sent to Haiti on January 20, 2011. The deportees were held in a facility with no access to clean water or food, with no working toilets and with feces and vomit on the floor. One of these men, Wildrick Guerrier, died less than

two weeks later after exhibiting cholera-like symptoms. His death was a predictable result of the Obama administration's decision to resume deportations to Haiti. A second man was released from jail with similar symptoms without receiving any medical care.

The Obama administration's recent policy posting has made clear it intends to continue this disastrous policy, and new deportations are imminent. This decision ignores the concerns raised by advocates and the Inter-American Commission on Human Rights. 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 and instability 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. In some cases, such as Guerrier's, it will surely be a death sentence.

The humanitarian crisis in Haiti has gotten worse, not better, since the earthquake. Over a million people remain homeless while humanitarian aid mandates are ending and services to those in need are ending. Deportees from the U.S. are routinely jailed in unsanitary detention centers upon arrival without food, clean water, or medical care. The cholera epidemic has resulted in over a quarter of a million known cases in Haiti with 4,717 reported deaths as of March 18, 2011. Even more alarming, a new study by the University of California, San Francisco (UCSF) and Harvard Medical School, published March 16, 2011 in the journal *Lancet*, is predicting that there could be nearly twice the number of previously expected cases of cholera – up to 779,000 – between this March and November 2011 alone. The U.S. government claims it is working with the government of Haiti towards “safe and humane” removals; this is simply not possible given the conditions on the ground, particularly in detention centers where deportees are held.

ICE claims the reason for resuming deportations is public safety. We emphasize that all of these individuals have served their criminal sentences or had such minor convictions they were never sentenced to time in custody. In fact, many of the Haitian nationals subject to the policy have old criminal convictions for non-violent offenses.

We call on the Obama Administration for an immediate halt to all removals to Haiti and the release of all Haitians being held with final orders of removal.

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