



**JOINT STATEMENT BY NON-GOVERNMENTAL
ORGANIZATIONS CONDEMNING THE U.S. GOVERNMENT'S
RESUMPTION OF DEPORTATIONS TO HAITI**

**Submitted to the 17th session of the Human Rights Council:
Situation of Human Rights in Haiti
Switzerland, Geneva
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AMERICAN CIVIL LIBERTIES
UNION FOUNDATION

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We, the undersigned non-government organizations (NGOs), condemn the U.S. government's resumption of deportations to Haiti in the midst of a massive and ongoing humanitarian crisis. Only two days ago, on June 14, 2011, the U.S. government deported yet another 26 individuals to Haiti, and is likely to send out another deportation flight in the very near future. In light of the serious human rights concerns raised by the U.S. removal policy, we ask that the Human Rights Council urge the United States and all other countries to suspend deportations to Haiti immediately. Removals should not be resumed until conditions have significantly improved such that individuals may be returned to Haiti in a safe and humane manner. Even then, sending nations must develop an adequate procedure for assessing the family ties and other equities of potential deportees.

Haiti remains devastated from the massive January 2010 earthquake that left nearly 300,000 dead and over 1.2 million more displaced and homeless, and is now additionally faced with a deadly cholera epidemic. Already the cholera outbreak has sickened a quarter of a million Haitians and killed over 5,300 people, and could sicken nearly 780,000 Haitians and kill over 11,000 people before the end of this year. Moreover the horrendous conditions in Haitian holding cells—where deportees are typically housed—are breeding grounds for the disease.

Since January of this year, the U.S. government has been deporting certain Haitian nationals with criminal records, despite tremendous public outcry. As the U.S. government is well aware, Haiti has continued its longstanding, pre-earthquake practice of jailing deportees with past criminal convictions in conditions where cholera is rampant. Moreover, as noted by the U.S. State Department, many deportees—of whom many have lived outside of Haiti for most of their lives—have reported widespread discrimination and societal abuse.

The consequences of the U.S. deportation policy have already become all too clear.

- The first flight, dated January 20, 2011, carried 27 men. One of these men, Wildrick T. Guerrier, died of cholera-like symptoms nine days after his arrival in Haiti. Mr. Guerrier was a 34-year-old lawful permanent resident who had lived in the United States for 17 years. He leaves behind his fiancée and her young son, whom he was raising as his own.
- The second flight, dated April 15, 2011, carried 19 deportees, and the third flight, dated May 11, 2011 removed 28 more individuals to Haiti. Like Mr. Guerrier, several individuals on these flights are known to have become seriously ill, including with symptoms typical of cholera, since being removed to Haiti.
- Notably, the U.S. Department of Homeland Security issued a policy on April 1, 2011 stating that the resumption of removals was limited to individuals who pose a danger to the U.S. public and providing for the deprioritization of individuals for removal based on their individual circumstances—including the recency and severity of convictions, family ties and other equities. Yet despite this policy, the flights described above included people with non-violent and minor crimes such as drug possession, as well as people with serious mental illness and medical conditions. Indeed, DHS admits that it has established no procedure to assess whether individuals should be deprioritized under this policy. Nor has it been willing to provide NGOs with the information they would need to assist individual Haitians whose removal is imminent in presenting their equities for consideration.

The UN Independent Expert on the Situation of Human Rights in Haiti reiterated in his annual report concerns, shared by other United Nations agencies including the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Office of the United Nations High Commissioner for Refugees (UNHCR), regarding the deportation and forced repatriation of Haitian nationals under the present circumstances.

Similarly, the Inter-American Commission on Human Rights (IACHR) has recognized that the U.S. government's deportation policy raises serious human rights concerns. On February 1, 2011, in response to a petition alleging human rights violations (including violations of the right to life, right to freedom from cruel, infamous or unusual punishment, right to due process and right to family life), the IACHR granted precautionary measures on behalf of five petitioners facing deportation to Haiti. One of the petitioners, Mr. Roland Joseph, had already been removed in January, leaving behind his four U.S. citizen children with no parent since their mother had passed away. In

granting precautionary measures, the IACtHR urged the U.S. government to suspend the deportation of these individuals until (1) Haiti can guarantee that detention conditions and access to medical care for persons in custody comply with applicable minimum standards, and (2) the United States has procedures in place that adequately take U.S. family ties into account in deportation determinations. On May 31, 2011, the IACtHR found that the United States still lacks adequate procedures to evaluate the equities of each case and to ensure the safety of deportees to Haiti and therefore expanded precautionary measures to 33 additional individuals.

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Notably, the Obama administration itself has acknowledged that travel to Haiti is life-threatening. On May 17, President Obama extended and re-designated the Temporary Protected Status (TPS) program, which permits Haitians living in the United States who have no more than one misdemeanor conviction and meet certain date restrictions to remain here for eighteen months. The U.S. State Department has also advised U.S. citizens not to travel to Haiti in light of the cholera epidemic. TPS does nothing to address the IACtHR's concerns because it is unavailable to large groups of Haitian nationals in the United States, regardless of their family or medical equities.

In light of these alarming human rights concerns, we urge the Human Rights Council to call for the immediate suspension of deportations to Haiti. Countries should not resume removals until conditions have substantially improved and individuals may be returned to Haiti in a safe and humane manner. Even then, sending countries must develop an adequate procedure for assessing the family ties and other equities of potential deportees.

American Civil Liberties Union Foundation
Allard K. Lowenstein International Human Rights Clinic, Yale Law School
American Association of Jurists (Asociación Americana de Juristas- AAJ)
American Friends Service Committee
American Jewish World Service
Amigos Center
Amigos Multicultural Services Center
Association of Haitian Women
Black Alliance for Just Immigration
Black Communities' Process, International Working Group
Catholic Legal Services, Archdiocese of Miami, Inc
Center for Constitutional Rights
Center for Social Justice - Seton Hall University School of Law
Council on American-Islamic Relations
Environmental Justice Initiative for Haiti
Florida Immigrant Advocacy Center
Franciscan Action Network

Global Justice Clinic, New York University School of Law
Global-Local Links Project
HIV & AIDS Legal Services Alliance
Immigrant Legal Advocacy Project
Immigration Clinic, William S. Boyd School of Law, University of Nevada,
Las Vegas
Immigrant Rights Clinic at New York University School of Law
International Association of Democratic Lawyers
International Human Rights Clinic at Western New England College School
of Law
Irish International Immigrant Center
Jacksonville Area Legal Aid, Refugee Immigration Project
Latin American and Caribbean Community Center
Latin American Commission for the Rights and Freedoms of the Workers and
Peoples
Lutheran Immigration and Refugee Service
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Massachusetts Law Reform Institute
Maurice & Jane Sugar Law Center for Economic & Social Justice
Miami-Dade Green Party
National Advocacy Center - Sisters of the Good Shepherd
National Economic and Social Rights Initiative
National Immigration Project of the National Lawyers' Guild
National Lawyers Guild International Committee
National Network for Immigrant and Refugee Rights
New Jersey Forum for Human Rights
Pennsylvania Immigration Resource Center
Political Asylum/Immigration Representation Project
Post-Deportation Human Rights Project, Center for Human Rights and
International Justice, Boston College
United Methodist Women
University of California Davis School of Law Immigration Law Clinic
University of Cincinnati College of Law Domestic Violence Clinic
University of Connecticut School of Law Asylum and Human Rights Clinic
University of Miami School of Law Human Rights Clinic
University of Miami School of Law Immigration Clinic
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