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The Bridge

The Honorable Joseph R. Biden  
President of the United States  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500

The Honorable Alejandro Mayorkas  
Secretary of Homeland Security  
U.S. Department of Homeland Security  
2801 Nebraska Avenue, NW  
Washington, DC 20528

January 12, 2023

Dear President Biden and Secretary Mayorkas:

As a diverse coalition of civil society and human rights organizations, with strong ties to Haitian nationals and their families, we call attention to the deadly conditions to which the United States (U.S.) is deporting Haitians and urge you to cease *all* deportations to Haiti. The U.S. has been deporting individuals to Haiti despite [knowing](#) the grave dangers that Haitians face upon their return. We applaud the Administration's redesignation of Haiti for Temporary Protected Status (TPS) announced on December 6, and want to highlight that these deportations particularly impact those individuals who are ineligible for TPS, including those with past criminal convictions or criminal charges.

This past year, Haiti [resumed](#) its prior practice of automatically [detaining](#) deported individuals upon their arrival at the airport and extorting a bribe for release, which has led to the [death](#) of at least one man illegally detained in the Haitian federal penitentiary of cholera-like symptoms. Most of the detained individuals have past criminal records, though some do not. Most recently, on December 13, the U.S. [deported an estimated 26 Haitians](#) to Port-au-Prince, many of them with a past criminal record. We fear for the lives and safety of those returned to Haiti, especially those subject to indefinite detention, and

ask for a meeting with your office and the Administration, focused on ways in which we can work together to stop the deportations to ensure that the U.S. is not placing Haitians directly in harm's way, in direct violation of its international human rights obligations.

### **Widespread Insecurity in Haiti**

As this Administration has recently recognized in redesignating Haiti for TPS last month, Haiti is in the middle of one of the worst security and humanitarian [crises](#) in our lifetimes. The current crises are linked to a long history of harmful U.S. [intervention](#). Haiti has suffered and continues to suffer from political and economic [instability](#), [gang violence](#), and [health crises](#), which have led to the [terror](#) and [hardship](#) of the Haitian people. The *de facto* Haitian government fails to guarantee its citizens access to safety, food, water, electricity, medical services, and fuel. The political instability is further exacerbated as armed gangs, often with support of government officials, have a tight grip on the nation and regularly engage in kidnappings, massacres, and indiscriminate violence against civilians, which have driven everyday activities to a halt.

### **Detention, Mistreatment, Inhumane Conditions, and Death of Individuals Deported to Haiti**

Amidst the crisis, the Haitian government has resumed its practice of automatically [detaining individuals](#) with past criminal records who are deported by the U.S. immediately upon their arrival. Michelle Karshan, Executive Director of Alternative Chance, which provides services to Haitians with a criminal record who have been deported, is aware of at least 30 Haitians deported from the U.S. over the last year who have been detained by police upon arrival, held in a police holding cell and/or the National Penitentiary indefinitely, and extorted for a series of bribes for release, though she estimates that the numbers are higher. None of these individuals had an open warrant or any legal charges pending against them. Moreover, the Haitian police are also targeting individuals without a U.S. criminal record. Ms. Karshan knows of at least two individuals deported from the U.S. and subsequently jailed in Haiti who did not have a criminal conviction. While gangs are terrorizing Haitian society with kidnappings for ransom on the streets, police are detaining individuals deported from the U.S. and extorting them for bribes in the prisons.

The deadly nature of U.S. deportations became evident when on October 10, 2022, 40-year-old Haitian national Roody Fogg, who had lived in the U.S. since the age of 12, [died](#) a preventable death from cholera-like symptoms in the Haitian National Penitentiary. Mr. Fogg was deported to Haiti on April 5, 2022, after being a green card holder and living in the U.S. most of his life. Upon arrival in Haiti, Mr. Fogg and others from the deportation flight were immediately apprehended by the General Directorate of the Haitian National Police (DGPNH) and imprisoned.

Mr. Fogg's death, and the deaths of more than 50 other prisoners in a matter of days, resulted from the overcrowded and [inhumane](#) conditions of Haitian jails. According to a deported individual held at the National Penitentiary, 42 men died of cholera in the National Penitentiary on October 25, 2022, and nine more died on October 26, 2022. That same deported individual reported that *"almost every day, somebody is dying in here. At night, you hear the gates banging. People pass out. Last night, it was a couple of people. They were sick real bad and I don't know if they died or not."* The [UN concluded](#) in 2021 that prisoners in Haiti were held in "inhumane conditions [and] subjected to ill-treatment and torture." Detained individuals, including individuals deported from the U.S., are denied [basic necessities](#), including adequate living conditions, food, water, and medical supplies. These men are held like animals as they are forced to live in cramped 15-foot by 20-foot cells that were meant to hold ten to fifteen inmates, but

instead hold sixty to seventy individuals. Cells lack space to lay down, and as a result, inmates sleep standing or sitting up. Videos sent from deported individuals show the sleeping arrangements in the National Penitentiary where inmates were practically stacked on top of each other.

In addition to the overcrowded prison conditions, prison cells are infested with cockroaches and rats, which run over the detainees' bodies, faces, food, and water as they sleep. Detained individuals with whom we are in touch also report stories of prisoners' fingers being bitten by rats while they slept, severe beatings by guards, and experiencing chronic diarrhea. Moreover, the only water available in the prisons sits stagnantly in an uncovered five-gallon drum in their cells. This water is used both for drinking and bathing. Prisoners report having to remove two to four dead rats from the bucket every day.

Extreme [hunger](#) is rampant in Haitian prisons. Ms. Karshan shared that those who are detained are so emaciated that they evoke images of some of the twentieth century's most horrific human rights abuses, including victims of concentration camps in the Holocaust. Detained people are provided no meals or just one substandard meal daily, unless they are fortunate enough to have a family outside the prison provide them with more food. Moreover, the prison's food is usually contaminated from rats which infest the kitchen.

Haitian prison officials also withhold medical [care](#) from detained individuals. In an emailed statement, Mr. Fogg's [mother](#) said: *"There was no medical care for him when he was sick. If there was medicine, he wouldn't have died ... There, it's like they threw him in a corner."* After speaking with Mr. Fogg's cellmates, the managing attorney with Capital Area Immigrants' Rights Coalition, Eleni Bakst, uncovered that Mr. Fogg suffered diarrhea and vomiting until he felt he could not stand anymore and *"saw black."* His cellmates showered him with water and called for help, but they told Ms. Bakst he never saw a doctor or received medication. Further, due to a lack of medical supplies, another deported individual reported that he has not been able to take his asthma or blood pressure medicine. This man's wife *"lives in fear every day"* and every night she goes to sleep *"not knowing if he's OK."*

Deported individuals are the [targets](#) of violence inside and outside of prison in Haiti. Another deported individual in prison reported that while protesting the prison conditions, people had to cover their faces because the prison guards shot tear gas at them. Moreover, the guards threatened to kill them and said that individuals deported to Haiti with past criminal records are *"messing up their country."* Guards used this justification for inflicting violence against them. In addition to tear gassing, detained men report beatings and other forms of physical violence.

While some of the detained individuals with whom we are in touch have since been [released](#) because of pressure from families, activists, and media coverage regarding their illegal detention, activist pressure for each detained individual is not possible; individual campaigns are not a sustainable form of long-term protection against the systemic rights abuses facing Haitian deportees; and it appears that jailing of newly deported individuals may continue and/or could resume at any moment. Furthermore, even those not facing detention confront significant threats to their basic right to life and personal security, as highlighted in UN statements calling for cessation of all forced returns to Haiti.

### **The United Nations Denounces Deportations to Haiti**

Both the UN High Commissioner for Refugees and the UN High Commissioner for Human Rights have called for a cessation of all forced returns to Haiti. On November 3, 2022, the UN High Commissioner for Refugees issued the following [statement](#):

Amid a devastating humanitarian and security crisis in Haiti, UNHCR, the UN Refugee Agency, is today calling on States in the region and beyond to suspend the forced return of Haitians to their country.

Violence, including sexual violence, kidnapping, looting and roadblocks by armed gangs, and the recent outbreak of cholera, has exacerbated an already dramatic humanitarian situation in Haiti, which is marked by acute food insecurity, fuel shortages, and limited health care and sanitation. Millions of children are unable to attend school, are malnourished and live in fear.

As warned by the UN Human Rights Office, the systematic violations of rights and the unremitting armed violence have precipitated the country's descent into its "worst human rights and humanitarian situation in decades."

"Given this very troubling situation, I appeal to all States to stand in solidarity with Haiti and urge them not to return Haitians to a country that is extremely fragile," said High Commissioner for Refugees Filippo Grandi.

Haitian women, children and men who are outside the country and returned to Haiti may face life-threatening security and health risks, and further displacement inside the country.

The forced removal of people to a place where they may face risk of persecution, torture or other serious or irreparable harm would amount to "refoulement," which is explicitly prohibited under international refugee and human rights law. International law also prohibits collective expulsions and arbitrary detention associated with it.

In that same statement, UNHCR called on countries to "ensure that Haitians have access to protection and support services regardless of their reasons for leaving their country. For those not eligible for refugee protection, this may be achieved through granting of complementary protection, temporary protection, humanitarian admission or other legal stay arrangements until the security situation in Haiti permits safe returns." And UNHCR reminded states of their obligation to ensure Haitians seeking international protection "access to fair and efficient asylum procedures."

UN High Commissioner for Human Rights Volker Türk reiterated this call for cessation of all forced returns to Haiti in his November 10, 2022 [statement](#): "Unremitting armed violence and systematic human rights violations in Haiti do not currently allow for the safe, dignified and sustainable return of Haitians to the country. I reiterate my call to all countries in the region ... to halt the deportation of Haitians."

For the above reasons, we respectfully ask for the U.S. to stop all deportations to Haiti because of current conditions generally and this life-threatening practice of detention. We seek a meeting as an opportunity to address in greater detail the situation confronting Haitian nationals upon their forced return from the U.S., and to address steps the U.S. can and must take to ensure compliance with its international human rights obligations.

Thank you for considering this request.

Respectfully submitted,

Denisse Córdova Montes, Clayton Oates, Gabrielle Thomas, Megan Williams

**Human Rights Clinic**  
**University of Miami School of Law**

Rebecca Sharpless  
**Immigration Clinic**  
**University of Miami School of Law**

Guerline Jozef, Nicole Phillips  
**Haitian Bridge Alliance**

Michelle Karshan  
**Alternative Chance**

Sarah Paoletti  
**Transnational Legal Clinic**  
**University of Pennsylvania Carey Law School**

Anthony Enriquez, Sarah Decker  
**Robert F. Kennedy Human Rights**

In Solidarity With,

1. **ACLU of Puerto Rico**
2. **African American Ministers In Action**
3. **African Communities Together**
4. **African Human Rights Coalition**
5. **Al Otro Lado**
6. **Aldea - The People's Justice Center**
7. **Alianza Americas**
8. **Allard K.Lowenstein International Human Rights Clinic, Yale Law School**
9. **Allies for Immigration Justice San Luis ObispoCounty**
10. **American Association of the International Commission of Jurists**
11. **American Friends Service Committee (AFSC)**
12. **American Immigration Council**
13. **American Immigration Lawyers Association**
14. **American Jewish World Service**
15. **America's Voice**
16. **Amnesty International USA**
17. **Asian Americans Advancing Justice | AAJC**
18. **ASISTA Immigration Assistance**
19. **Asylum Seeker Advocacy Project (ASAP)**
20. **Beyond Borders**

21. Border Kindness
22. Bridges Faith Initiative
23. CA Collaborative for Immigrant Justice
24. Capital Area Immigrants' Rights (CAIR) Coalition
25. CASA
26. Center for Constitutional Rights
27. Center for Gender & Refugee Studies, UC Hastings College of the Law
28. Center for Victims of Torture
29. Central Washington Justice For Our Neighbors
30. Centro Legal de la Raza
31. Coalición de Derechos Humanos
32. Columbia Law School Immigrants' Rights Clinic
33. Communities United for Status & Protection (CUSP)
34. Community Asylum Seekers Project
35. Community Asylum Seekers Project
36. Comunidad Maya Pixan Ixim
37. Congrégation des Petites Sœurs de Sainte Thérèse de l'Enfant-Jésus
38. Council on American-Islamic Relations
39. Council on American-Islamic Relations, California
40. De Novo Center for Justice and Healing (Cambridge, MA)
41. Diaspora Community Services
42. Disaster Law Project
43. Dorothy Day Catholic Worker, Washington DC
44. Families Belong Together
45. Families for Freedom
46. Family Action Network Movement (FANM)
47. First Focus on Children
48. First Friends of NJ & NY
49. Florence Immigrant & Refugee Rights Project
50. Friends of Maténwa
51. Gender Action
52. Gender Justice Clinic, Cornell Law School
53. Global Justice Clinic, Washington Square Legal Services
54. Global Rights Advocacy
55. Groupe d'Appui au Développement et à la Démocratie (GRADE)
56. Human Rights First
57. Immigrant Defenders Law Center
58. Immigrant Justice Clinic, American University, Washington College of Law
59. Immigrant Justice Corps
60. Immigrant Legal Advocacy Project
61. Immigrant Legal Resource Center
62. Immigration and Refugee Clinical Program,
63. Harvard Law School
64. ImmSchools
65. Innovation Law Lab
66. Institute for Justice and Democracy in Haiti
67. Interfaith Campaign for Just Closures
68. Interfaith Welcome Coalition - San Antonio

69. International Human Rights Clinic, Boston University
70. International Human Rights Clinic, Cornell Law School
71. International Mayan League
72. Iowa Migrant Movement for Justice
73. Jewish Family Service of San Diego
74. Justice Action Center
75. Justice For Our Neighbors North Central Texas
76. La Resistencia
77. Leitner Center for International Law and Justice, Fordham Law School
78. Long Beach Immigrant Rights Coalition
79. Louisiana Advocates for Immigrants in Detention
80. Lutheran Social Services of the National Capital Area (LSSNCA)
81. Manifest Haiti
82. Mass Incarceration Committee (MIC), National Lawyers Guild
83. Memphis Methodist Immigrant Relief Fund
84. Mercy Focus on Haiti
85. Muslim Counterpublics Lab
86. National Domestic Workers Alliance
87. National Domestic Workers Alliance & Families Belong Together
88. National Immigrant Justice Center
89. National Immigration Law Center
90. National Immigration Project (NIPNLG)
91. National Lawyers Guild International Committee
92. National Lawyers Guild- San Francisco Bay Area Chapter
93. National Partnership for New Americans
94. NETWORK Lobby for Catholic Social Justice
95. New England Justice for Our Neighbors
96. New York Immigration Coalition
97. Northern New Jersey Sanctuary Coalition
98. Northwest Immigrant Rights Project
99. Oasis Legal Services
100. Oxfam America
101. Oxfam America
102. Partners In Health
103. Passionist Solidarity Network
104. Passionists International
105. Pax Christi New Jersey
106. Presbyterian Church (USA) Office of Public Witness
107. Project ANAR
108. Project Lifeline
109. Public Interest Resource Center, Fordham Law School
110. Queer Detainee Empowerment Project
111. Quixote Center
112. RAICES
113. RCHP-AHC Still Waters Anti-trafficking Program
114. Revolve Impact
115. Roots of Development
116. School Sisters of Notre Dame-Atlantic-Midwest Province

117. **Sisters of Mercy of the Americas Justice Team**
118. **Southern Poverty Law Center**
119. **Tahirih Justice Center**
120. **Tennessee Immigrant & Refugee Rights Coalition**
121. **Texas Civil Rights Project**
122. **The Black Alliance for Just Immigration**
123. **The Border Network for Human Rights**
124. **The United Methodist Church- General Board of**
125. **Church and Society**
126. **Unitarian Universalist Service Committee**
127. **Universal Citizens Corp**
128. **Unlocking Communities**
129. **Washington Defender Association**
130. **Win Without War**
131. **Wind of the Spirit Immigrant Resource Center**
132. **Witness At The Border**
133. **Women's All Points Bulletin WAPB**
134. **Women's Refugee Commission**
135. **Youthaiti**

CC:

Desirée Cormier Smith, Special Representative for Racial Equity and Justice, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State

Kerry Doyle, Counselor to the Director, U.S. Immigration and Customs Enforcement

Kamal Essaheb, Counselor to the Secretary, U.S. Department of Homeland Security

Deborah Fleischaker, Assistant Director for Policy, U.S. Immigration and Customs Enforcement

Ramzi Kassem, Senior Policy Advisor for Immigration, White House Domestic Policy Council

Royce Murray, Counselor to the Secretary, U.S. Department of Homeland Security

Christina Sanford, Assistant Legal Adviser for Human Rights and Refugee Affairs, U.S. Department of State

Todd Thurlow, Assistant Field Office Director, U.S. Immigration and Customs Enforcement

Claire Trickler-McNulty, Assistant Director, Office of Immigration Program Evaluation, U.S. Immigration and Customs Enforcement

Francey Youngberg, Assistant Director, Office of Partnership and Engagement, U.S. Immigration and Customs Enforcement