

INS Detainees In Florida: A Double Standard Of Treatment

Supplement
January - April, 2002

Florida Immigrant Advocacy Center, Inc.

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FOREWORD

We know that we were wrong to enter the United States illegally, but we had to in order to save our lives.... When we got here, we thought that the Americans would understand us because there are laws that protect victims of abuse and torture. We did not leave our homes because of lack of food, it was political problems that forced us to leave. What hurts us more is that everyone we've spoken to has told us that this is not the way Immigration usually treats asylum seekers.... This causes us a lot of sadness... Many of us left our schools, universities and our jobs in order for us to flee.... We arrived to the United States to seek political asylum so we can have peace, freedom and security but we were thrown in prison... We do not know why. We are neither criminals nor assassins. Why does the ins imprison us.... Here at TGK we go through a lot with certain officers... We are called "Fuckin Haitians". We are made fun of. Several rumors stated that we were going to get deported. Whenever that happens we become scared because we know how things are in our country...."

Detainees' letter, March 4, 2002

Since completing our report, "INS Detainees In Florida: A Double Standard Of Treatment," conditions at the Turner Guilford Knight Correctional Center (TGK), which houses most of the women in Florida, have unfortunately deteriorated. For example, since February, 2002 the women there have far less access to the enclosed "recreation area" adjacent to their units. They are only allowed there at maximum an hour every other day, cannot return inside to use the restroom once they are there, and are searched before and after accessing the recreation area. Officials say the searches are necessary as one of the jail's inmates — not an INS detainee — escaped recently.

The vast majority of asylum seekers currently at TGK are Haitians, many of whom have been detained there since December 3, 2001 when a boatload of 167 Haitians was brought to shore by the Coast Guard. INS officials are refusing to release these Haitians in an effort to deter others from fleeing Haiti, while routinely releasing asylum seekers of other nationalities. As a result, the asylum unit has been

since the Haitian detainees routinely witness asylum seekers of other nationalities being quickly released from INS detention. Indeed, the majority of Haitian women at TGK are depressed and quite despondent, which is adversely affecting their ability to articulate their asylum claims.

At an April 9, 2002 meeting with advocates, INS officials spent a great deal of time detailing further improvements to be made at the Krome Processing Center, while saying little about conditions for the women at TGK. So while improvements at Krome continue to be made, conditions for the women detained in Miami are only worsening.

On January 8, 2002 Miami-Dade County Commissioner Barbara Carey-Schuler convened a meeting between TGK officials and detainees' advocates, who presented TGK officials with a list of their ongoing concerns and recommendations. On February 14, 2002, the Miami-Dade County Director of Corrections and Rehabilitation responded to FIAC's concerns about the treatment of the INS detainees. Unfortunately, their response did not adequately address the issues raised by FIAC.

On March 26, 2002, Miami-Dade County Commissioners recognized that TGK was "not designed to meet the detention needs of immigration detainees" and that conditions at TGK are more severe than those imposed upon male detainees held at the Krome Service Processing Center. The County Commission passed a resolution directing the County Manager to work with INS to investigate alternative sites within Miami-Dade County for the female detainees and to submit a report regarding such alternatives within 45 days of the resolution. They were also advised not to renew or extend the contract with INS until such report was submitted and considered.

On April 26, 2002 Congresswomen Carrie Meek (D-FL) wrote INS Commissioner James Ziglar, decrying the "disparate treatment of Haitian women refugees" as compared to their male counterparts. She urged INS to treat the women more humanely and to parole them. On April 29, 2002 Barry University president Sister Jeanne O'Laughlin offered to sponsor all the Haitian women being held at TGK as well as those with young children being detained at a local hotel.

It should also be noted that, since the Haitian asylum seekers are not being released and there is a lack of bed space at TGK, many female asylum seekers are being held at a local hotel.² Indeed, on April 29, 2002, there were 113 asylum

² On April 5, 2002 INS officials agreed to consider releasing Haitians who arrived by plane, but said these cases would be subject to "enhanced scrutiny." Advocates complain that this is further evidence of the discriminatory policy directed against Haitians.

FIAC again thanks all those who have worked so hard on behalf of female detainees in Florida and will continue its efforts to move the INS to better protect these women. FIAC is especially grateful to the many courageous women in INS custody in Florida who have spoken out in order to initiate positive change for those who only seek fair and equal treatment.

Cheryl Little, Esq.
Executive Director

Charu Newhouse al-Sahli
Detention Advocacy Coordinator

Florida Immigrant Advocacy Center, Inc.
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Miami, Florida 33137
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Detainees' Declarations/Statements/Grievances

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November 13, 2001

[REDACTED]
[REDACTED]
Miami, Florida 33316

INS File #: [REDACTED]

Captain Feranandez
Turner Guilford Knight
7000 N.W. 41 Street
Miami, Florida 33166

Cc: The Director
Turner Guilford Knight
7000 N.W. 41 Street
Miami, Florida 33166

Immigration and Naturalization Services
District Director
7880 Biscayne Blvd
Miami, Florida 33138

Dear Captain Feranandez,

Re: Request for Informal Resolution for Visitation and Library

I am writing in regards to problems we face during Visitation and Library on K 4-5. The problems we face during this time are when we are at the library doing our legal work and an attorney comes in for a client, we all have to leave the library because that is the same place that is used for attorneys visit. **Note:** If the attorney stays for hours that means we can't use the library.

Secondly, only one attorney is allowed in at a time because of one place is use for five different purposes. My attorney came to see me but after waiting for two hours he couldn't see me because church services were still in progress, or if there had been another attorney using the room for hours, I would had have to wait until he is finishes with his or her client.

Request: we are about forty five to forty eight resident at K 4-5 which I think we should have one or two rooms for this purpose.

Your consideration in look at this problems of ours by using your "Know How" will be highly appreciated.

Thank you.

Truthfully,

December 3, 2001

[REDACTED]
7000 Northwest 41 Street
Miami, Florida 33316
INS File #: [REDACTED]

Captain Feranandez,
Turner Guilford Knight
7000 N.W. 41 Street
Miami, Florida 33166

Dear Captain Feranandez,

Re: Request for Informal Resolution for Mail

The model sentencing and correction Act provides that the office of Correctional Legal Services **Must** provide to Detainees / Residents in the custody of corrections access to the courts that means the opportunity to Prepare, Serve, File and to send and receive communications concerning these matters to and from judge, Court, Lawyers and others. Denying Detainees access violate the due process clause when the important substantive constitutional right of access to the above is implicated. This brings me to this Mail Grievance.

The operation of mails to K 4-5 is Zero. Why? We only receive mail three times a week. No mail goes out and come in after Thursday morning. No UPS or Federal Express mail for legal or personal purposes is allowed.

This is becoming a constant thing. We don't receive or send mails out because officer in charge of mail is off duty. If the officer is gone for the whole week, that means no mails for us for the week. We have to send for counselor everyweek to get mails for mailroom for K 4-5 and take our out going mails.

As of now, we have not received mails and no out going mail have been out since Thursday.

As Detainees, we have legal matters we have to respond to within a certain week and days. If we do not receive this very important legal mails coming through the mail because our mails are stock up in TGK mail room for lack of officer to deliver the mail, how do we respond to court or the administration in charge of our cases at a certain time that we must respond to?

Resolution:

We would appreciate if there were an officer for back up for delivery of mails to K4-5 in case the officer is off duty or for emergency purposes. The express mail is very important for legal purposes.

Cc:

C/o Counselor for K 4-5
Ms. Spear (The Director)
Turner Guilford Knight
7000 NW 41 Street
Miami, Florida 33166

Immigration and Naturalization Services
District Director
7880 Biscayne Blvd
Miami, Florida 33138

January 17, 2002

From: [REDACTED]
Turner Guilford Knight
7000 Northwest 41 Street K4 - 5
Miami, Florida 33316

INS File #: [REDACTED]

Attn: **Lt. James Brannock**
Turner Guilford Knight
In-mate Commissary/ In-mate Industries
Corrections & Rehabilitation Department

Subject: **Ten Dollars Commissary Bag**

Dear Lt. Brannock,

I recently purchased two bags of commissary for \$10 each totaling twenty Dollars and I realized I must report this incident immediately because I found the price of the commissary bags to be very abnormal and out of the ordinary. Each bag has eleven items.

Included in the bag are the following:

<u>Items</u>		<u>Estimated Retail Price</u>
1 Crème Cookies	@	\$00.50
1 Pork Ring	@	\$00.35
2 Christmas Candies	@	\$00.39 each
1 Chick-o-stick	@	\$00.25
1 Hot Nuts	@	\$00.50
1 Pretzel	@	\$00.25
1 Mint Stick	@	\$00.25
1 Hot beef Stick	@	\$01.00
1 Cajun Mix	@	\$00.50
1 PECO Pie	@	\$01.00
TOTAL		<u>\$04.99</u>

I only bought these two bags because of the PECO Pie. I would appreciate if you would verify the cost of the Ten Dollars commissary bag. As it appears it is "More Likely than Yes" that the bag is mistakenly Priced. Was it?

PS: Besides, we appreciate those extra items on your latest memo. Also, as a suggestion would you include some oatmeal cereal to the commissary list?

Sincerely,



cc: **The Director**

Turner Guilford Knight
7000 NW 41 Street
Miami, Florida 33166

Captain Feranandez
Turner Guilford Knight
7000 NW 41 Street
Miami, Florida 33166

February 4, 2002

[REDACTED]
7000 Northwest 41 Street
Miami, Florida 33316
INS File #: [REDACTED]

Captain Feranandez,
Turner Guilford Knight
7000 N.W. 41 Street
Miami, Florida 33166

Re: An Hour A Day Recreation

Dear Captain Feranandez,

The model sentencing and correction Act, American Correctional Association, Standards for Adults Correctional Institution Standards 3-4147 (1990); US Dept of Justice, Federal Standards for Prisons and Jail §16.02(1980) A United Nation Standard (require one hour of physical exercise per day with "**Frequent Opportunities**" for outdoor exercise). A United Nation Standard calls for one hour a day of exercise in the open air. United Nations, Standard Minimum Rule for the treatment of Prisoners and Detainees Rule 21 (1955) For activities period to be meaningful, There must be not only space, but also equipment and facilities. The recreation area must be arranged with equipment sufficient for "**Full Fledged**" physical exercise, for example, weight lifting Basketball, Volleyball or running etc.

Comment:

Firstly, the one hour per day of recreation cannot accommodate a population of sixty detainees if the jail recreation area can only secure twenty detainees Therefore, the majority of the population is technically denied the opportunity to exercise.

Secondly, our recreation area is not an outdoor location, it is part of our housing unit on the fourth floor of the facility's building. The area of recreation is a lighted space, part of housing living unit in which fresh air is allowed and that does not constitute an outdoor area. A detainee in confinement for a long period of time is required to have one hour per day of outside yard activity.

However, since our recreation area is built within four walls of our housing unit, and is **Not** outside of the housing unit, an hour of recreation a day with your interpretation of the policy is unjust.

Finally, and most importantly we believe that as detainees our privileges should be looked at more liberally. We understand that while we reside at TKG, we are obligated to follow your rules and regulations. However, we would ask you to review our privileges with more liberally as we are detainees.

Resolution:

An hour a day of recreation should be redressed because to remain within the housing unit is not good for our mental and physical being most especially in this type of unit setting.

We would appreciate if you use your "Judgement and your Know How" to readdress this problem of ours.

Thank you.

cc:

C/O Counselor for K 4-5
Ms. Spear (The Director)
Turner Guilford Knight
7000 NW 41 Street
Miami, Florida 33166

Immigration and Naturalization Services
District Director
7880 Biscayne Blvd
Miami, Florida 33138

Pls., Acknowledge receipt of this grievance.

STATEMENT
CRISMENE ST. FLEURANT
FEBRUARY 28, 2002

- My name is Crismene St. Fleurant and I am from Haiti. When I fled Haiti, I thought that any place would be better than Haiti. I thought I would end up in a place where they would help me, care for me, and welcome me. I never thought I would end up in a jail. This place is sad and depressing. Not a day goes by that I don't cry. I knew when I left Haiti that it wasn't going to be easy, but I never imagined it would be this difficult. I left a bad place for another bad place.
- When I first arrived at TKG, I didn't know what was going on. No one told me that we were going to jail. I thought I was going to a place where they would detain me until they contacted my family. Then when I arrived at TKG I realized that I was in a jail. This really scared me.
- After a few days of being at TKG, Victor Guy, from the Consulate's office, came to visit us. He said he came to see us because we had been through a lot during our boat ride to the United States. He told us that five days was the maximum amount of time that we would spend here at TKG. But we had already spent eight to nine days in this place. He, then told us that we should not get discouraged, to have hope that we would get out of here. Yet, Sunday will be three months that we've been in this place. It feels like we are never getting out.
- The Spanish and Chinese women get out. They come here for about eight days and then they release them. I have not seen a Spanish or Chinese woman stay here for more than eight days.
- We are not treated well here. Some of the officers pick on us. They don't treat us the same way they treat the women from other nationalities. There are Spanish, Chinese and Haitian women in the pod, but everything bad that happens gets blamed on us, the Haitian women. We don't know the language, so we cannot defend ourselves. Most of the time we don't even know what is going on. These same officers come into our rooms and tell us we smell. We try to say "good morning" to them and they just ignore us and don't respond. This makes us feel terrible.

Food Services

- We don't eat well in this place. The food taste bad and it never has any salt. We eat bread for every meal, so a lot of us are bored of it and cannot eat it any more. Yesterday, the chicken was bloody and it looked like it was old or rotten. Most of us decided not to eat it. A lot of the Haitian women are not eating. Many of us have lost weight. The women that have family here are all trying to get money from their families to order food from the commissary.
- The fruits they serve are sometimes okay, but other times they taste sour, like they are old. They serve mashed potatoes about three to four times a week and they taste really awful.

The food taste so terrible that an officer was nice enough to bring us salt to disguise the taste a little.

Recreation

- Before February, we could spend as much time as we wanted outside, but not anymore. In February, the procedure changed. Now, we are only allowed to go outside for an hour a day. We get searched on the way out and then again on the way back in, which is humiliating. They treat us like criminals, so all the Haitian women got together and decided that we are no longer going outside.
- One day, an officer admitted to me that she thought that the conditions at TKG were horrible. She didn't think we should be treated like criminals. She told me that she would try to speak to her superior or a higher official to see if it could go back to the way it was when we were able to be outside all day.
- When we were allowed outside for more than an hour a day, we got sunlight, fresh air, and it was a nice distraction. But now we are stuck inside all day. This is bad for our physical and mental health. Being subjected to the air condition all day gets us sick. One woman in our pod got really sick from being in the air conditioning all day, so I found a way to block the air conditioning vent in my room.
- I don't think there is any programs available to us. If there is, we have not been informed of any programs that are available to us.

Medical Care

- The medical care is not very good. I filled out a medical slip to go to the clinic over two weeks ago and they still have not contacted me. Nobody has even spoken to me about it. There is another woman in our pod who has been complaining about an ear ache for a long time, almost a month, and no one has responded to her, either.
- They explained to us that everytime we fill out a slip, we are suppose to keep a part of the slip as proof that we filled it out. Once we fill out three, if no one has responded, we were instructed to take proof of our three slips to the proper person from INS. I have never gone to the INS person because I am scared of this person. This person is always dressed in a green uniform.
- The only time I went to the medical clinic was when I arrived at TKG. I was given a physical examination, but I was not given a dental screening.

Visitation

- I am not sure how many visits we are allowed per week, maybe two or three. I don't think we are allowed to have contact visits. I don't know of anyone who has had a contact visit. The only person I could think of that might have had a contact visit was this Spanish girl in our pod.

Law Library and Mail

- I have only been to the law library once and it was only to pray. We were fasting, so Officer [REDACTED] let all of us go into the library to pray together. I have never gone again after that.
- I have not sent out any mail or received any so I cannot comment much about the mail procedures here at TKG.
- When I arrived at TKG, I did receive a TKG handbook explaining the rules and regulations in Creole. I have not read the entire book, but I do understand what I have read.

Grievance Procedure

- I was not made aware of the grievance procedure here at TKG. I am not really aware of anyone who has gone through the grievance procedure.
- There was an incident with a pregnant woman where INS got involved. The pregnant woman had bought food from the commissary and asked the guard to please heat up some soup for her in the microwave. The guard refused. The lady complained to the INS person whom we are suppose to complain to and he talked to the guard. The guard still did not want to do it. Finally, the INS officer heated up the soup for the lady.

Spiritual Services

- We, the Haitians, are not provided with religious services, but we try to pray as a group. Some officers allow us to and others do not.

TRANSLATION OF LETTER

Laurence St Pierre

Sunday March 3, 2002

"God is all mighty" "God comes first"

Dear immigration

Laurence St Pierre would like to let immigration know that I have been in jail at TGK since December 3, 2001. I am suffering, I do not eat well, and I feel weak. If God does not do something for me I will die from hunger at TGK. When the officer wakes me up at 5 AM we are given a carton of milk and 2 slices of bread, at 11 AM we are given bread again an orange and cookies. At 6 or 7 PM mashed potatoes with no salt or corn meal that is sweetened, they put cinnamon, and we are also given chicken that is spoiled and smells and very bloody or we are given peas with hot dog that smells like smoke or meat that is also spoiled, salad that is not fresh, some cookies and a flavored drink that makes my body itch when I drink it. Another problem that I have in prison is that I am scared of some of the officers. When they come in the morning I say good morning to them and they do not answer, some of them humiliate us.

Please immigration do something for me. I have all of these problems. I am not a criminal. I recognize that. I entered the United States illegally, but it was because I had a lot of problems, I was being persecuted in Haiti. I did not commit any crime to have to suffer so much in prison at TGK. I know that prayer is the key to all problems, God will deliver me from jail. Just as God sent the Holy Spirit to deliver Peter from jail I trust that God will also deliver me from TGK and all my tribulations. I have many problems, I have not been able to reach my children nor my family. It was because I was beaten by

the Lavalas members who also violated me that I left my country. I leave all in the hands of God. I know that God will judge those Lavalas members who are setting people on fire, beating people with zero tolerance for those who oppose them. They will all go to hell.

Immigration please help me so I do not die at the hands of the Lavalas. Please do not send me back to Haiti. If you send me back to Haiti, you would be the one killing me because the Lavalas will not have pity on me at all. I beg you to let me stay here in the United States in order for me to save my life that is in danger in Gonaives, Haiti. Please, and thank you immigration because I know that Americans are very powerful. You can save the life of Laurence St Pierre who is in danger. Every day I cry and I call to Jesus to deliver me because I put my trust in him.

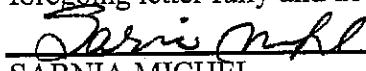
Signed


Laurence St Pierre

I love Jesus with all my heart

CERTIFICATE OF TRANSLATION

I, Sarnia Michel, certify that I am fluent in English and Creole and that I translated the foregoing letter fully and accurately from Creole to English.


SARNIA MICHEL


DATE

REHAB. SERVICES BUREAU
TURNER GILFORD KNIGHT

March 3, 2002

████████████████████
7000 Northwest 41 Street
Miami, Florida 33316

REHAB. SERVICES BUREAU
TURNER GILFORD KNIGHT
2002 MAR -5 AM 7:56

Captain Feranandez,
Turner Guilford Knight
7000 N.W. 41 Street
Miami, Florida 33166

Dear Captain Feranandez,

Re: Request for Formal Resolution for Complaint on Officer Wright

My complaint is in regards to Officer Wright.

This is not really the first time I have encountered problems with Officer Wright. I have tried my best to stay away from her and display my best behavior whenever she works in the unit.

Today, March 3, 2002. Officer Wright has taken advantage to intentionally harass me. Today, I went to her and asked her to please warm my kosher dinner as I have always done since I have been here. By seeing that I was at my best behavior and my Trustee detail completed and well done. By this time, the whole unit has already eaten and it was time for me to eat. She answered me with sarcastic look on her face "I will warm your food when I feel like!" As I could see, she's trying to upset me. For what? I do not know.

I answered gently since I figure out what her intentions are. When you feel like? I responded. She said, "Yes! When I feel like it and you can put it in Black and white to the captain, I will still get paid" was her respond again.

IT'S 9:45p.m. My food remains still on the table. I came out at 11:45p.m to find out that my food has been dump in the garbage. Why? I did not refuse my dinner nor did I ask for my food to be dump in the garbage.

I don't understand the meaning of such behavior. It is strange and a great shock to me because I have never met her before except here in the unit or facility. This Officer has demonstrated that she personally has a problem with me. I am ONLY a detainee. I do not want her harassing me as she please.

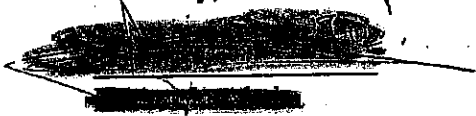
Furthermore, She screams always. She call us all kind of name like illegal immigrant etc. That is how she approaches this unit.

Personally, I singled her out from all other officers, because she needs Anger Management class, Communication skills and certainly needs to upgrade her interpersonal skills since she is dealing with a diversity of ethnic group from all over the world. Without this, she shouldn't be a unit manager (Officer) because she doesn't have any of this quality to be place in the unit of an Officer.

I would highly appreciate it if you could look into this problem of mine with the said Officer.

Thank you.

Sincerely,



REHAB. SERVICES BUREAU
TURNER GILFORD KNIGHT
2002 MAR -5 AM 7:56

TRANSLATION OF LETTER

TGK, March 4 2002

We are writing this letter today so we can explain the problems that we have been having since we left Haiti up until now at TGK. We know that we were wrong to enter the United States illegally, but we had to in order to save our lives from the Lavalas members. When you think about it, we were running away and what we found is worse. When we got here, we thought that the Americans would understand us because there are laws that protect victims of abuse and torture. We did not leave our homes because of lack of food, it was political problems that forced us to leave. What hurts us more is that everyone we've spoken to has told us that this is not the way Immigration usually treats asylum seekers. When you look at it everyone from other nations that have come to the United States under the same conditions as us have been released in two or three days. We would like for Immigration to have pity on us because we can no longer take this. Some of us have been here for a period of time ranging from one to three months and still are not able to get released. This causes us a lot of sadness. Some of us have developed high blood pressure, chest pain. Our biggest problem right now is that all of us have some type of rash even if we shower regularly. This might be due to the fact that we get a change of uniform every fifteen days. We only get a very small tube of tooth paste which we have to make sure it lasts the required amount of days, which is not too good for our breaths. We did not commit any crime and we are treated like criminals. We can not even go outside to take a breath of fresh air and get some sun. Sometimes while laying down we think about our country, we can not sleep because our families are still in Haiti where the Lavalas members do whatever they want, setting people on fire, raping people. It does

not matter if you are involved in politics or not. People always have to watch what they say, because they are looking for reasons to kill you. Every time they want to kill people they pretend there was a coup. It reminds us of what happened on July 28 where 4 police officers were killed and a cadet. December 17 2001 they burned many houses in the capital and the provinces. Many people died from gun shots and some were burned alive also. Those people are always preaching violence. In 1995 Rene Preval, Haiti's president at the time came with a slogan stating that people need to do whatever they have to in order to survive. Which incited robbers to do whatever they wanted. In 2001 Aristide came with another slogan stating there should be zero tolerance. This slogan was against people who are not Lavalas partisans. Many of us left our schools, universities and our jobs in order for us to flee from the Lavalas group who is holding our country in hostage. We arrived to the United States to seek political asylum so we can have peace, freedom and security but we were thrown in prison. None of the other nations were kept in jail but us Haitians we are suffering. We do not know why. We are neither criminals nor assassins. WHY DOES THE INS IMPRISON US. WE ASK PRESIDENT BUSH TO SAY SOMETHING IN OUR FAVOR ESPECIALLY WHEN MARCH 8 IS NATIONAL WOMAN'S DAY. HAVE PITY ON US, RELEASE US, GIVE US OUR FREEDOM AS A GIFT SO WE CAN GO AND CELEBRATE WITH ALL THE OTHER WOMEN. WE THANK YOU IN ADVANCE MR. PRESIDENT.

Here at TGK we go through a lot with certain officers and the white detainees. Everything that they do gets blamed on us. We are called "Fuckin Haitians". We are made fun of. Several rumors stated that we were going to get deported. Whenever that happens we become scared because we know how things are in our country.

Another one of our biggest problems is the food that we are given. [The only thing we can eat is] bread twice a day, around six or seven o'clock, we are given supper that contains no salt and most of the time the meat or chicken is spoiled and very bloody. Our health has deteriorated because we do not eat well due to the fact that the food is awful, we do not sleep well. One day one of us fainted since she was feeling so feeble. Most of us have gotten sick. It is not before we have filled out the clinic form seven or eight times that we are able to go there and get medical attention. For us who came on the boat and left Haiti on November 25 2001 this was a big day for us because we escaped from tribulation. After everything that we endured at sea we thought that we would finally be delivered when we fell into the hands of Americans. But they imprisoned us without letting us go. Since every letter deserves an answer, we are waiting for INS's because we can not go back to Haiti into the Lavalas's hands.

CERTIFICATE OF TRANSLATION

I, Sarnia Michel, certify that I am fluent in English and Creole and that I translated the foregoing letter fully and accurately from Creole to English.

Sarnia Michel 3/5/02
SARNIA MICHEL DATE

Joseph Willem
Rosemarie J^e Simond
Ysabelle Toussaint
ROSETANA ACE
Kethelye Destine
Destine Norceide
MARICULA Merceille
MARIE ROSE MASSE
Milouse novembre
Jendi Irlene
Marie Denise Guevri
Jacelyne et Hamard
Puff
R. R.
C. C.
A. C.
NOEL Jeanne
Joseph Kerline
Vegrand Rosiline
Rislin Santia
Crismero et Fleurant
C. P.
M. Y.
L. M. H. S.

Charleria March
P. Y.
SEINALUS DALOUDE
THELYSMA CHELA
AÏS NATACHA
Pierre Nicole
MACENAVENÈZE
RIGEMANE OBLIN
G. Y.
Jrène Desil
Laurence SE Pierre
Suze JEAN
claudia caseas
Isalia vilbrum
Eliana P. Leveche
Léger Geslie
Cetoute Selmer
Lina Troffet
Y. R. Y.
Marie Carline Lu
Juste Elyse
Elyse Mich
Destina Kethely

TGK, 4 mas 2002

Nou ekri let sa a jodi a pou nou kapab esplike pwoblem nou depi Ayiti rive nan TGK. Nou konnen nou gen tèt paske nou te antre Etazini ilegal men se te pou n te kapab sove vi nou anba men chimè lavalas yo. Lèw biyen gade se kouri pou lapli tonbe nan larivyè. Nou rive isit nou panse Ameriken t ap konnprann nou paske gen lwa Ki protégé viktim maspinay Krazezo ak toti ect... Nou pa kite lakay nou pou grangou se pwoblem politik peyi a Ki mete n deyò. Sak se n pi mal nou vi n tonbe nan reflechi plis se dapre tout moun ki pase nan men I migrasyon ilegal yo di se pa konsa sa te ye pou Ayisyen ozetazini, le w biyen gade tout nasyon kivini nan menm kondisyon avek nou se de ou twa jou yo fè la a epi yo voye yo Miami. Nou ta renmen yo fè nou gras paske nou pakapab ankò. Gen nan nou ki gen 3 mwa edemi, 2 mwa, 1 mwa — Ki poko ka jwenn liberasyon, sa telman fè nou reflechi nou toujou stresse, gen nan nou ki fè tansyon diabète, estoma fè mal pou kounyea la, pi gwo pwoblem nou se yon gratel nan vajen kò nou tout ap krate nou e nou benyen lè n biyen gade se infom nan ki koz paskeyonn rad yo ba nou se sou 15 jou pou nou change. Yon ti pat grose yon dwèt, li fè nou genmove zalèn. Nou pa fè krim, yo konsidere nou tonkou kriminel, men n deyo ou pa ka soti pou al pran yon ti soley ki tap bon pou sante n. gen de fwa nou kouchee nap panse a peyi nou, nou pa ka domi paske nou konn nan ki kondisyon nou kite fanmi nou epi avèk chimè lavalas kap macche

Touyemoun bouk moun kidnape fè kadejak sou moun san kè sote, lavalas achte peyi lajan kontan Yo pa bezwen konnen si ou nan politik ou pa se veye yap veye bouch ou pou yo ka elimine. chak yo bezwen touye moun an masyo kreye yon koudeta sa fè songe 28 jiyè sak te pase nan kandidlikasyon, kote

4 pollicie te pedi laji o plys yon cadè 17 desanm 2001 yo kraze biwo konvegens yo boule anpil kay nan kapital la tankou nan vil pwovens yo moun mouri anba kout zam e genyen yo boule tou. Moun sa yo toujou ap preche violans An 95 Rene preval te vini avek yon slogan nage pou soti / bagay sa te kreye anpil dezòd moun bat moun, touye moun, pran kob ak bijou epi yo di se presidan ki di nage pou soti sa vle di jwen yon fason apou viv. An 2001 Aristide vini avek yon lot slogan [E tolerans] lè li te di sa se te nan sans poul te ka bloke volè ak bandi de twa jou apre bagay la change yo plike kounyea pou moun ki pa lavalas. Anpil nan nou kite lekòl nou inivèsite ak travay nou poun te kapab sove vi nou anba men chimè lavalas yo ki pran peyi an notoge. nou rive Etazini nou vi fè demand azil politik poun ka gen lapè libète aksekirite men yo fèmen nou nan prizon; tout lòt nasyon vini yo pa rete nan prizon nou menm aysyen nap gemi nou pa konnen pou ki sa nou pa kriminel ni asasen ni mechan pou ki sa l ns bloke nou. nou mande prezidan BUSH POU LI DI YON MO POU NOU SITOU 8 MAS SE JOUNEN MONDIAL FANM FE NOU GRAS METE NOU DEYÒ / BA NOU LIBERASYON KOM KADO POU NOU KAPAB AL FETE AVEK TOUT LOT FANM YO NOU REMECIE W DAVANS (PRIDAN) PRESIDAN

ISIT LA NAN TGK NOU SUBI ANPIL BO KOTE SÈTEN OFICIE EMENM BO KOTE PRISONIE BLANCH YO TOU. TOUT BAGAY MAL BLANCH YO FE YO; YO DI SE NOU MENM YO JOURE NOU <FUCKIN HAITIAN> yap pase nou nan rizib yap fe ke nou sote yap kouri rime di yo pral depote ayisyen le konsa nou pe tristes anvayi ke nou paske nou konnen eta peyin nou.

Afe mange yap bay sa se yon lot gwo tet chage anko: pen 2 fwa pa jou, ve 6e ou 7e yo banou yon tigoute san sel san epis ki desann tre mal nan estomak nou. eta sante nou tre kritik nan tgk paske nap mal mange mal domi, yon jou youn nan nou te tombe anba febles yo bali sport shake pandan 2 jou yo fin avel nou tout malad andedan. Gin de le ou pou ale nan klinik yo pa janm pran fom nan pa fwa se sou 7 ou 8 jou yo pran yo. Nou min'm sa yo ki te vini nan bato a le nou te bay ayiti do 25 novanm 2001 se te pi gro jou pou nou paske nou te sove anba tribilasyon ak kalamite. Pou sa nou te pase sou lanm a le ameriken te kenbe nou, nou panse ke nou te delivre men se femen yo femen nou nan yon prizon san soti. Kom tout let toujou gen repons alo nap tan repons INS paske nou pa pral ayiti emenm kaday nou pa prale ayiti tout tan pa gen lape. Kote nou rive la nou pa deside tounen anba men chimè lavalas.

AFFIDAVIT

ROSELINE LEGRAND

- My name is Roseline LeGrand and I am from Haiti. I left my country because I was scared of being persecuted. I was hiding out in Haiti when I got word that a boat was leaving Haiti. When I got on the boat, I really did not know where the boat was going and it didn't matter- I just wanted to flee Haiti. I arrived in the United States by boat in December. I have been detained at Turner-Guilford-Knight (TGK Correctional Center since I arrived in the United States.
- The trip was difficult. During the first few days, we were lost at sea. Then we found an island, where we spent the night. A fisherman on the island told us we were in Nassau- I think. He gives us food and water but told us we would get in trouble if we stayed. He advised us to leave as soon as he fixed our compass. He told us we would find land in four days. He didn't know where we would end up but he knew we would find land.
- For the next three days or so, we were at sea. We ran out of water and only had little amounts of food. We had to cook with seawater. We were weak and hungry when we saw land. We didn't know where we were, but we could see land. At that point, two men from our boat dove into the water. We all wanted to dive into the water, but the current was too strong and we were too weak. The two men that dove into the water ended up dead.
- We couldn't reach land because it was too shallow, so we tried to signal a smaller boat that we had seen in the water. Next thing we knew, we were surrounded by helicopters and the Coast Guard. At this point, we got really scared because we thought they were going to kill us. We didn't know where we were. We were so confused and scared that we thought they might kill us.
- In Miami, we asked the same Creole speaking man from above, "if they were going to send us back to Haiti?" He responded, "I do not know." At that point, we told him that we would die if they sent us back. Then they put us in buses and took us to Krome.
- In Krome, we were given food and they asked us for all our information such as name, date of birth, nationality and they also requested documents proving this information. We were allowed to shower and then they proceeded to ask us for more information. We spent less than a day at Krome. I remember that we arrived at night and it was morning when we left Krome. They had told most of us (women) that we were all going to a hotel, but instead they brought us here to TGK. The only women that went to the hotel were the women with children. But these women were separated from their children and arrived at TGK alone.
- When we arrived at TGK, we were given underwear, uniforms, taken to our rooms and allowed to shower. We were still very scared because we thought we were going to a hotel, then we realized that we were in a criminal facility. We didn't understand what was occurring. Life is not easy here.

- No one explained anything to us. We were at TKG scared, confused and had no idea what was going on. Then we spoke to Nadia, who works for FLAC and she informed me of what was happening.
- When I fled Haiti, I thought I would come to a place that would welcome me, understand my situation and treat me right. I would of rather died in Haiti than coming here to endure all this pain. We are all very depressed and disappointed. Some of us don't know how much longer we can hold on.
- We are treated very bad here. The officers are constantly telling us we smell; we are very unhappy and depressed; we don't sleep or eat well.
- Some officers make it more difficult to be able to live here. A while back, a Haitian detainee went to heat up water to make coffee. The officer got mad and started yelling at her, but she doesn't speak English. I don't think she understood what the officer was telling her but several officers came and took her away. Some say they took her to jail. We don't know where she is and we have not seen her since they took her yesterday.
- Everything that happens here gets blamed on the Haitian women, because we don't speak the language. We can't defend ourselves and the officers pick on us.
- We don't eat well here. All the Haitian women have lost a lot of weight since we have been here.
- Most of the Haitian women detained are very depressed because of all the pain and suffering we are enduring in this place. We fled our country because we were afraid of being persecuted and now we are treated like criminals.
- We usually are in lockdown from 2:00-3:00 or 3:30 pm, but sometimes the officers leave us in lockdown until 9:00 pm. For example, when the incident occurred with the Haitian woman that heated up the water for coffee, she was in lockdown by herself until late. Then she gathered her stuff and they took her away.
- When my family comes to visit they have to talk to me through a glass where one has to bend down low to be able to talk to the person visiting. The telephone cards are so expensive, they cost \$25.00 for 100 minutes. My family tried to bring me a telephone card when they came to visit me, but the facility did not allow me to use the telephone card that they brought me. I am only allowed to use the telephone cards that they sell here. My relatives live so far away that they run out of gas every time they come to visit me. I also thought that since the food was so bad here, my family would be allowed to bring me food, but it is not allowed.
- We have no contact visits. At first, we were brought a paper to sign so we could have contact visits, but then they changed their minds. I don't think that any one in our pod is allowed contact visits. I cannot take this any longer.
- I don't understand why we don't get released. The Spanish and Chinese spend no time in here. They get released fast. The Jamaican get deported. Since I have been here, no

Haitians have been released. There is almost no white women in our pod. Almost everyone is Haitian. The Chinese spend about 3-4 days here and then they are released. We are really afraid and scared. We don't get any sleep because we think they are going to kill us.

- There was a rumor circulating that they were going to send all the Haitians back to Haiti. The Haitians are treated very differently from everyone else here. We are constantly told by some of the officers that we smell. These same officers sometimes call us, "animals". Some of the officers are nice to us.
- One day, a detainee, was talking to us. She talks to us a lot. And one of the officers asked her how she could associate herself with us (the Haitians). She responded that no matter what color we were, all of us were human.
- When we touch something, they make it obvious that they are wearing gloves to protect themselves from what we just touched. This makes us feel bad because they don't do it to any of the other detainees.
- A while ago, a group of us decided not to eat because we did not know why we were being kept at TKG, a criminal facility. We were very confused. We aren't criminals. And every time we see the judge, the judge just keeps telling us to come back. But he does not release us.
- At first, we were allowed to go outside for recreation all day or most of the day. Now, we are not allowed to go outside. Sometimes we are allowed out for an hour a day. But if I go outside and I have to use the restroom, I am not allowed back inside to use the restroom. I need to remain outside until recreation is over. They also search us on our way out and then again on our way back in. I just don't bother going outside anymore. I am not the only one. Most of the Haitian women don't bother going outside anymore either.
- If I knew this was the way it was going to be, I would of preferred dying on the boat instead of reaching the United States.

I hereby declare under penalty of perjury that the above statement is true and correct to the best of my knowledge and recollection.

Roseline LeGrand 3/14/02
Roseline LeGrand Date

CERTIFICATE OF TRANSLATION

I, Nadia Jean Joseph, certify that I am fluent in English and Creole and that I have interpreted the foregoing declaration to Roseline LeGrand..

Nadia Jean Joseph
Nadia Jean Joseph

03/14/02
Date

DECLARATION OF LAURENCE ST. PIERRE

1. My name is Laurence St. Pierre. I was born on August 10, 1974 in Haiti. I am in immigration detention at "TGK" in Miami, Florida. I have three young children in Haiti.

2. I came to the United States because police officers and other supporters of the Lavalas political party in Haiti accused me and my boyfriend of being against Lavalas. They beat me and my boyfriend. Later, I was raped by a local Lavalas leader who broke into my house. I decided to flee Haiti on a boat. It was a difficult decision because I had to leave my three children behind. I, however, feared for my life and had to leave Haiti.

3. I left Haiti on a boat. It was a difficult journey. There were too many people on the boat, so there was not really enough space. There was also not enough food or water. A couple of people died trying to make it to shore. I knew that taking the boat would be risky, but decided that it was safer than staying in Haiti.

4. On December 3, 2001, I arrived in the United States. I was detained at TGK and interviewed by an immigration official about why I left Haiti. They asked me several questions about why I left Haiti. I then received some paperwork that I understand to be a favorable decision in my case. The officer who gave me the decision told me that I would be released from detention.

5. But, we Haitians are not being released from detention. I see many women from other countries arrive here at TGK and be released after a few days. I wonder why Haitian women are not being released. On February 7, 2002, I filed a written request to be released from detention. I have not received a response to this request. I know other many of the other Haitian women who are detained with me have also asked to be released. They have also not gotten any response

from immigration.

6. I am suffering a lot from being in detention. I am afraid and have trouble sleeping due to horrible experience of being raped. TGK is very difficult for me and the other Haitian women. We are locked in our cells for long periods of time and we are served food that is often spoiled or not edible. Only one of the officers at TGK speaks Creole and so the other Haitians and I do not understand what is going on.

7. This place scares me. I am very scared of some of the guards. Some are very nice. But then there are officers that are scary. When I see those officers, my heart starts to race and I get very nervous. Especially if we are in lockdown and I am alone. Those officers yell at us. They are rude. When we [the Haitian women] say good morning they don't respond. It makes us feel bad and it's embarrassing. If we run out of deodorant, lotion or toothpaste and we ask them for some, they will not give it to us. At other times, if we want to clean our rooms, we will ask the officers for detergent and even if the detergent is sitting right next to them, they will not let us use it. When I see these officers now, I don't bother coming out of my room. I feel better staying in my room.

8. I know we are allowed to have visits with family, but I don't really know how many visits we are allowed. Every time I have had a visit, it has been very uncomfortable. I was beding down to talk into a speaker the entire time. I don't think we're allowed to have contact visits. No one I know has had one. One time, I remember an officer giving us a paper to fill out for a contact visit, but then the paper was taken away from us. I did not get a chance to fill mine out, but I know people who did fill it out and nothing ever happened. They were never contacted or told anything by the people at TGK.

9. I have not used any interpreter services and don't know of any. One time I picked up the telephone and they started talking to me in English. I said Creole and they hung up. There is only one officer who comes to talk to us in Creole, but even she has not come around in a while. Usually we communicate with the rest of the guards through gestures and signals. It really frustrates me that I cannot communicate with the officers because sometimes I really have to and I can't. I feel like I never know what is going on.

10. In February, a procedure started where we are only allowed to go outside for an hour a day. One has to sign up and be searched, if one wants to go outside. Once you go outside, one cannot come back inside to use the restroom. We don't like being treated like criminals, so now none of the Haitian women go outside.

11. I have heard from some of the ladies that when a Haitian woman goes to the clinic, they try to find someone who speaks Creole, but often times there is no one there to help the person communicate with the doctor.

12. A lot of Spanish people come to hold prayer services for the Spanish women. The Haitian women just try to pray together everyday at some point. Sometimes some guards do not allow it, so we cannot do it all the time.

13. The telephone cards here are so expensive that it is very difficult to communicate with family. It costs \$25.00 for 100 minutes.

14. There is virtually no one to help us Haitian women at TGK. There is one legal office that sends us people to explain things and to help us, but there is no one else who is helping. Many of the women do not have lawyers. Because none of us speaks, reads, or writes English, we could not fill out our asylum applications ourselves. An officer at TGK filled out one

application for a Haitian woman. Many women copied that application because they had no other choice. The application only contains one or two sentences about why they can't go back to Haiti.

15. We all feel like the U.S. government does not want Haitians to apply for asylum. The government is making it almost impossible for us to present our cases.

16. I left Haiti because I feared for my life and I continue to fear for my life. I do not want to go back to Haiti because I think that I will be raped again, harmed, or even killed by Lavalas members.

I SWEAR UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Laurence St Pierre 3/14/02
LAURENCE ST. PIERRE DATE

CERTIFICATE OF TRANSLATION

I, Nadia Jean Joseph, certify that I am fluent in English and Creole and that I have interpreted the foregoing declaration to Laurence St. Pierre.

Nadia Jean Joseph 03/14/02
NADIA JEAN JOSEPH DATE

Statement of Laurence St. Pierre
April 2002

A few weeks ago, around 11 pm at night when we are allowed to come out of our cells, another Haitian detainee went to ask an officer for a paper towel but the officer refused to give one to her. I had started my period and I needed a sanitary napkin. I went to ask the officer for a pad but she would not let me have one. I tried to use gestures to show her why I needed the pad, but she still refused. I then had to go back to my cell and I cut a pair of panties up to use instead. In the morning, I showed another officer that I did not have a pad and that I'd been forced to cut up my panties instead, and that officer was shocked. The officer in the morning gave me some pads. There is a box of sanitary napkins that we are supposed to be allowed to have whenever we need, the officer at night just didn't want to let me have one.

M:\Impact Advocacy\Haitian Asylum Seekers\Laurence St. Pierre, san pad.wpd

Wilene Joseph, Marie Ocean, Crismene St. Fleurant, Laurence St. Pierre
Haitian Asylum Seekers at TGK
April 17, 2002

Crismene St. Fleurant: No one can interpret for us with the officers. There is one officer that speaks Creole, but she's not here very often. Sometimes if there's a major problem they will call for that officer. I've never heard of anyone using a telephone interpreter service.

Wilene Joseph: Yes, the only time I've heard Creole on the phone is when you make a collect call, there's a voice that says "Press 3 for Creole" and it helps us to make calls. But that's not interpreting, that's just to make collect calls.

Wilene Joseph: You know about my medical problems. Before that group came and made them take me to the hospital, I requested three times to go to the clinic. I don't know if this is correct, but I said in English "Please I want clinic" and rubbed my stomach to show them where the pain was, and they knew and saw that I was coughing up blood, but they still didn't take me to the clinic. It wasn't until that group came that I went to the hospital. The doctor told me I should be drinking a lot of milk but they never gave me extra milk here even though I asked for it.

Crismene St. Fleurant: When I went to the clinic a few weeks ago to try to get treatment for a skin problem I have on my face, they never found an interpreter to help me understand what was going on. They did give me some medicine, but when I took it I had a really bad reaction to it and my whole face swelled up. An officer helped me write several papers [requests] to go to the clinic again, but they haven't taken me back since that one time a few weeks ago. So I just don't take the medicine now. You know though, if something was seriously wrong with me, I think I would be dead by now.

Marie Ocean: I had a problem with my eyes and they gave me medicine before I was transferred to TGK. Now they won't give me my medicine that I had here. When I try to say I'm having problems seeing they tell me there's nothing wrong. I just communicate with gestures though because they never use an interpreter. I also had a rash, I think I'm allergic to the sheets or the soap they use or something, I don't know, but I itch all over. But because I don't speak English and there's no interpreter, I have no way to tell them I have a problem.

Wilene Joseph: Every time something is wrong with one of us and we ask the nurse for Tylenol or Maalox, she gives us a piece of paper. But we can't do anything with the paper because we don't understand what's on it, so we just go without treatment.

Wilene Joseph: They use a flashlight at night to check on us. I don't know how often they come, but it's several times a night. It startles us and wakes us up to have someone shine a light on you and we can't sleep. It can be scary sometimes too because of the bad things that have happened to us in Haiti. Also in the morning the guard bangs a baton on our doors and it frightens us. It makes my stomach hurt when they do things like that, and affects the way I feel.

Crismene St. Fleurant: There was an incident about two weeks ago with Officer [REDACTED]. She used to be nice to us but she's not anymore. There weren't any bags in the garbage cans, so we put our trash on top of the cans because we thought it would be better to wait until they brought bags to put in the cans. At about 10pm Officer [REDACTED] made all the women come downstairs and she dumped all the trash in the middle of the floor. She said, "I'm not going to mess with these fucking Haitians anymore. I won't take this shit." It happened on a Sunday. We had to pick up the trash with our hands and clean everything up. Then she said she would put all of us in lockdown for her whole shift when she came on Wednesday. So on Wednesday when she came, all of us stayed in our rooms and didn't come out when she came. She didn't have to lock us down, we just didn't come out for her shift. We did that on Thursday when she came also. Her shift is from about 2pm until 10pm. She hasn't been back to our unit since then.

Marie Ocean: We are usually in lockdown during the afternoon from about 1:30 until 2:45 when they do a headcount. Right after the count, we are back in lockdown until 3:45 when they let us out again. Then all night we're locked up too. One time, an officer that is really very nice to us told us that downstairs called her and told her she had to put us in lockdown all day. We were in our rooms from 10am until 3:45pm, and we had to eat in our rooms.

Wilene Joseph, Laurence St. Pierre: We know how to use the phone to call FIAC for free.

Laurence St. Pierre: We know to do that [use the phone to call FIAC] because you [FIAC] told us about it. TGK didn't tell us how to do it.

Wilene Joseph: We can't call the court for free. I don't know what they're talking about. Only FIAC. I wouldn't want to call my consulate so I don't know about that.

Crismene St. Fleurant: No we don't use the law library. We can't understand any of the books because they're all in English so there is no point in using it.

Wilene Joseph: The white women have religious people come visit them, but we don't have anyone.

Laurence St. Pierre: There was one time a pastor came but not really to pray or do a service, but just to show his support and say he understood us. But he never came back. Now when we try to sit together and pray in a group, some officers yell at us and tell we're not allowed.

Wilene Joseph: There are no English classes! None of the women get any kind of classes here. I haven't seen any programs or classes of any sort for anyone at all in this unit.

Wilene Joseph, Crismene St. Fleurant, Laurence St. Pierre: We got a handbook in Creole.

Marie Ocean: I did not get a handbook.

Laurence St. Pierre: I read some of the handbook but it's not very helpful.

Crismene St. Fleurant: No Haitian women get contact visits—

Wilene Joseph: There was one Haitian woman that came by airplane and she got one contact visit, but she's the only one that has. The non-contact visits are impossible. You have to yell at your family through a little hole under the desk to be heard. It's terrible.

Wilene Joseph: All of the Haitian women who came on the boat lost everything at sea, so I don't know if they would have let us keep our property. There is only one Jamaican woman that I have seen here that has some pictures. No one else has anything at all.

Other notes:

Recreation:

Still doing searches (not strip-searches, but pat downs) on the way out and the way in from recreation. None of the women are going for recreation now because they find it humiliating. They also have to sign up if they want to go outside.

Phone:

Still phone cards only, \$25 for 100 minutes.

Mail:

None of these four women have ever received mail.

April 19, 2002

[REDACTED]
Turner Guilford Knight
7000 Northwest 41 Street
Miami, Florida 33166

Finance Department
Turner Guilford Knight Correctional Facility
7000 N.W. 41 Street
Miami, Florida 33166

TO WHOM IT MAY CONCERN

Re: **Request for Informal Resolution for Account Balance**

I am writing in regards to my Account Balance.

Firstly, All money order send to me by mail, I never receive an official receipt on my money order which is against FMJS and Miami-Dede County Corrections and Rehabilitation Rule and Regulations. Page 5, **RECEIVING MONEY INTO YOUR ACCOUNT**. I quote:

"Money (Except Cash) may be sent through the mail by your family and friends for credit to your account. Only money orders, cashier checks and are acceptable through the mail, You must endorse all checks and money orders exactly as they are made payable to you with your jail number or they will not be credited to your account. You will be provided a **RECEIPT**"

Secondly, the account summary, I received form the Finance Department has a lot of errors that I cannot understand what is going on with my balance because on the 23rd of January, 2002, there was a deposit of one hundred dollars and that same day, the money was Void.* Why? Also, there is one hundred and thirty -two dollars, thirty five cent balance on the 17th of January 2002, How did that came about and what happen to the balance?

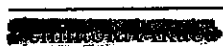
Furthermore, all this account balance is confusing. There is a lot of errors and void . I would need a full explanation on my account by someone in charge of my account.

However, I would need all receipt for money deposited in my account from 2nd of January 2002 till date.

Your Co-operation in this account of mine would be highly appreciated.

Thank you.

Sincerely,



cc:

C/O Counselor for K 4-5
(The Director)
Turner Guilford Knight
7000 NW 41 Street
Miami, Florida 33166

Wilene Joseph
Haitian Asylum Seeker at TGK
April 22, 2002

1. My name is Wilene Joseph. I am 29 years old and I fled Haiti on the boat which arrived to the United States on December 3, 2001. I was first held at the Hotel and then I was brought here to this jail [TGK]. I have been detained now for four and a half months.
2. We are treated terribly here. All of us Haitian women have watched so many other women from other countries come and go, I can't even count how many. Sometimes they come on Friday and are released on Monday. There was an Indian woman in my cell who was released after six days. They discriminate against the Haitian women though and we stay here. They mistreat us. It hurts a lot to know that others get out and we have to stay and we don't know when we will get out or when we will be with our families again.
3. I already saw the judge. I didn't like the way he treated me. He didn't believe that I am afraid to go back to Haiti but I wouldn't be going through this now if it weren't for what happened to me and my family there. I had to leave my three children to flee. My family in Haiti now is in hiding. I have a lot of reasons to be afraid to be sent back. Now FIAC is helping me with my appeal.
4. When they take us to court they handcuff us like criminals. We're in handcuffs in the car on the way there and on the way back. They gave us food at Krome. Then when we get back they strip-search us. Every time they strip-searched me I cried. It's so humiliating to be treated this way.
5. I have had a very serious medical problem here. About a month after I arrived here my stomach began to hurt me. I told a guard and I was sent to the clinic but they didn't give me anything except Maalox, which didn't help. For about a month following that my stomach pain was getting worse. I would tell the guards I was in pain and sometimes they would let me go to the clinic and sometimes they wouldn't.
6. The only way to communicate with the guards is in English, so I use hand gestures and point to my stomach and say "clinic" to show them I'm hurting. But often they do nothing.
7. The pain kept getting worse and then I started spitting up blood. The officer here called the clinic because I was spitting up blood and they did take me to the clinic. But the nurse there told me they didn't believe the blood was coming from my mouth. There was a Creole speaking officer at the clinic that time. I spit blood into a napkin the officer gave me to show to the nurse. But the nurse didn't believe me and sent me back without giving me anything. The next day I continued spitting up blood but no one did anything. On the third day I came out to talk to the officer, and as I came from my door I spit blood up on the floor and she saw it happen. That day the officer called the clinic. About four

nurses came to look at it and they said again that the blood didn't come from my mouth. They took me to the clinic but they didn't give me anything. The nurse asked me why I never spit up blood in the clinic. But she would have to stay with me in my unit to see when I spit up blood—I can't control when it happens.

8. Then Sarnia from FIAC came when I was sick and spitting up blood. She called her office and they called the clinic. The officer also called the clinic and the clinic said there was nothing wrong with me. The nurse said I would have to spit up blood in a special pail to show them. The next day this delegation came and I showed them the pail with the blood. They took me to the clinic after that and while I was waiting I spit up blood on the floor at the clinic. Then they sent me to Jackson Hospital. I had to spend the night at the hospital and they put me on an IV. They brought me back to TGK. Three days later I went back to Jackson for a test and I think they did a sonogram. They brought me back to TGK the same day and then three days after that I went to Jackson again. That time I spit up blood at the hospital so they had to put a tube through my nose to get the blood out of my stomach. After that they started giving me medicine.
9. So it took one month and two days of me spitting up blood before they gave me real medicine. I was on that medicine for about three weeks and then they stopped it and I've had pain again. After the medicine stopped whenever I get to go to the clinic they only give me Maalox. There was only one time they've given me medicine since it stopped and that was when Becky, a lawyer from FIAC, was here with me.
10. The pain in my stomach started on one side and now it's all over. I have to press a pillow against my stomach to be able to sleep. Even if I weren't in pain I wouldn't get much sleep though. The officers come all night to see if we're alive and they shine lights on us. There are some officers that are very nice and they know I'm sick and don't disturb me. But other officers are very mean. When they do the counts, sometimes when I'm in pain it's difficult to stand straight, but they force me to stand straight anyway, no matter how terribly I hurt.
11. Because of my illness, there is a lot of food here that I can't eat because it hurts my stomach. The doctor told me I needed milk and I did get milk for a while, but not anymore. No women get milk. No women get any special food. One woman is pregnant, she eats the same things we all do. Another woman has very high blood pressure and needs special food but she doesn't get anything either.
12. At about 5am in the morning we eat breakfast. It's eggs, bread and one packet of jelly and one packet of butter. At 11am we get the same thing everyday: four slices of bread, lunch meat and an orange. At about 6pm we get dinner. It's usually potatoes without salt and a piece of meat. We used to get this red juice to drink but it made us all itch so now we just get water.
13. Today the officer would not let us get any ice, so all we had was warm water to drink.

14. I need to eat well to get better, but it's impossible to be healthy here. I've tried ordering food from the commissary but none of it is good for me. There are some soups, but they have spices that hurt my stomach. One time when I went to the clinic I asked the nurse if my family put money in my account maybe they could order me some powdered milk. But the nurse said, "You're in jail, you're not on welfare."
15. To be healthy you need to eat well and sleep well. I am not eating well and I am not sleeping well, I don't think I'm getting the medicine I need, so I'm not healthy and I'm suffering.
16. There is nothing to distract us from our problems here. There are no classes, no programs. We can't even go to recreation because it is so humiliating. They pat us down before and after we go to recreation and we have to hold up our shirts. We have to sign up to go out. I didn't go outside for a very long time, what is the point in going?
17. The language is a huge problem. Sometimes they've had an officer who speaks Creole help me because of my medical problem. But not always. The other day at the clinic the nurse asked me something I didn't understand. I asked for a Creole officer but there was no one.
18. We can't communicate with any of the officers here because they don't speak Creole.
19. They take away the things the women come with. I came with nothing because all of our things were lost at sea, but the other women who came by plane, they take their things. They give us two bras, two panties, two pairs of socks, cloth sneakers and slippers.
20. There is one nice officer that brings us other things sometimes like sugar, lotion, and shampoo. She buys those things for us with her own money.
21. I'm Catholic. I didn't know we could get a rosary. None of the women have one. But I don't know how we can even have a prayer service here. We don't have them at all. The white women get services at night— maybe they are in English or Spanish, I'm not sure. They have those services here in the attorney visitation room or the law library. But the Haitian women get nothing like that.
22. I have family here. They came to see me but it was awful. I was very sick the they came and two other detainees had to help me up the stairs to see them. We have to bend down and yell through holes in the wall and the other person has to bend down to be able to hear. Bending was so difficult for me because of my stomach pain but there was no other way. My cousin cried the whole time she was visiting me. She was upset to see me like this. My cousin, who is a US citizen, wanted to talk to the officer. She kept asking why they won't release me so she could take me to a doctor and take care of me. She wanted to buy me milk but they said no.
23. Once in a while I use the phone, but mostly I have to save my money to use for food from

Commissary because it's at least a little better for me than the food they give us here. So I can't afford phone cards and the collect calls are too expensive also. Many of the Haitian women's families have blocks on their phones that won't let them accept collect calls now.

24. They say we can complain if we want to. But they don't do anything when we do complain. We also can't communicate in English so there are a lot of things we can't complain about.

[REDACTED]

Haitian Asylum Seeker, Krome
Wife and child transferred to Pennsylvania
May 7, 2002

1. My name is [REDACTED]. My "A" number is [REDACTED]. I arrived on the boat with my common-law wife, [REDACTED], and my son, [REDACTED], on December 3, 2001.
 2. I was immediately separated from my family when we arrived. I have been detained at Krome since December. My family was taken to the hotel.
 3. I saw my family maybe three or four times when they were at the hotel. We were allowed to see each other in the visitation area when they came for court.
 4. About a week and a half ago, I called our sponsor. Our sponsor told me my wife and child were transferred to Pennsylvania. No officer or anyone from INS has talked to me about where my family is or that they were transferred. I don't know how to contact them there. I don't know when they were transferred, my sponsor just said that they're now in Pennsylvania.
 5. I can't say if what's happened to my family is fair or not. We're in jail, and we're not in control of our situation, it's up to them [INS] what to do with us. Since we're locked up they can do whatever they want. Only God knows why they sent my family there.
 6. We came to this country to escape political problems in my country. But I was expecting better treatment than this. I just depend on God to help us out of this.
 7. My health is ok, but sometimes I get very depressed because we've been locked up for so long.
 8. I just follow instructions and do what I'm told here so I don't have any problems with the officers here. I'm not arrogant and I don't make problems for anyone.
 9. Krome is really overcrowded. Even with the Haitians who came at the airport getting released, it's still too crowded. There were 92 people in my pod yesterday; one left last night and one left this morning, but there have also been three new people. They have brought cots in for people to sleep on because there aren't enough beds.
- [REDACTED]

Correspondence, Memorandums, Letters & Declarations

1. FIAC letter of Concerns and Recommendations regarding conditions at TGK, January 8, 2002.
2. Letter to Miami-Dade County Commissioner Barbara Carey-Shuler from FIAC attorney, February 14, 2002.
3. Memorandum to Samuel Williams, Assistant County Manager, from Lois Spears, Director, Corrections and Rehabilitation Department, Miami-Dade County, "FIAC Concerns Regarding INS Detainees," February 14, 2002.
4. Letter to Lois Spears, Director Correctional Rehabilitation Department, Miami-Dade County, from FIAC attorneys, May 1, 2002.
5. Letter to Kimberly Boulia, INS Officer-in-Charge, TGK, from FIAC attorney, February 13, 2002.
6. Declaration of Acting INS Deputy Commissioner Peter Michael Becraft, March 18, 2002.
7. Letter to US Attorney General John Ashcroft, from Chairman, USCCB Committee on Migration, Auxiliary Bishop of Miami Thomas G. Wenski, March 25, 2002.
8. Miami-Dade County Resolution, March 26, 2002.
9. Declaration of FIAC paralegal Sarnia Michel, March 29, 2002.
10. Memorandum to INS Regional Director, Eastern Region, from Johnny Williams, Executive Associate Commissioner, INS, U.S. Department of Justice, April 5, 2002.
11. Declaration of FIAC attorney Cheryl Little, April 12, 2002.
12. Declaration of FIAC Detention Advocacy Coordinator Charlotte Newhouse Al-Sahli, April 13, 2002.
13. United Nations High Commissioner For Refugees' Advisory Opinion on Detention of Asylum Seekers, April 15, 2002.
14. Declaration of Haitian Women of Miami (FAMN) Executive Director Marleine Bastien, April 16, 2002.
15. Sign-on Letter to US Attorney General John Ashcroft from Miami-Dade NAACP, April 16, 2002.
16. Letter to INS Commissioner James Ziglar from Congresswoman Carrie P. Meek, April 26, 2002.
17. Letter to Congresswoman Carrie P. Meek from Sister Jeanne O'Laughlin, President, Barry University, April 26, 2002.
18. Letter to INS Commissioner James Ziglar from U.S. Senator Bill Nelson, May 2, 2002.
19. Declaration of FIAC attorney Mary Schouvillier, May 8, 2002.
20. Declaration of FIAC attorney Moira Fisher Preda, May 8, 2002.

FEMALE INS DETAINEES AT TGK: FIAC Concerns & Recommendations

In mid-December, 2000, all of the women housed at the Krome Service Processing Center (Krome) were moved to the Turner Guilford Knight Correctional Center (TGK), a county jail in Miami, Florida. Most of the ninety plus women transferred were asylum seekers. They were moved following allegations by female detainees at Krome that they were being subjected to sexual abuse, including sexual molestation, harassment, and even rape, and forced to endure a climate of fear and intimidation.

Conditions for the women detained by INS at TGK are in many ways much worse than Krome. Although Krome is not an ideal setting for INS detainees, the men detained there have better access to services and far greater privileges than the women detained at TGK. The women should not have to sacrifice their access to essential services and basic human dignity in order to be protected from sexual abuse.

In mid-December 2001, there were approximately 115 women in INS custody at TGK. They came from several different countries, including Albania, Argentina, Bahamas, Brazil, Canada, China, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Guyana, Haiti, Honduras, Iraq, Jamaica, Liberia, Mexico, Nicaragua, Nigeria, Peru, Philippines, Spain, Trinidad, United Kingdom. A number of FIAC's outstanding concerns regarding conditions at TGK could be easily addressed:

- **Translation/Interpretation:** Currently, interpreters are rarely provided to INS detainees and they often must depend on other detainees to interpret. Women who speak rare languages are linguistically isolated.
Recommendation: Provide interpreters as needed and ensure that women understand the rules and procedures of the facility in their native language.
- **Spiritual Support:** Only INS detainees and TGK inmates convicted of Lewd and Lascivious crimes are not allowed to attend the jail's Chapel. Spiritual support for the women is not available in most of the languages they speak. Spiritual support for women of non-Christian faiths is practically non-existent.
Recommendation: Allow INS detainees to attend the TGK Chapel if they wish. Provide spiritual support for women of all faiths in their native languages.
- **Recreation:** One of the women's most frequent complaints is that they have absolutely nothing to do. Unlike regular inmates, they do not have access to GED or vocational programs. Many women have expressed a desire to attend English classes. They cannot even receive books or magazines in packages from their families.
Recommendation: Allow activities such as GED, English or vocational classes. Allow families and friends to send the women books and magazines.

- **Attorney Access:** Attorneys frequently experience unnecessarily long delays in meeting with clients. Policy changes without prior notification have also disrupted attorney access. Attorneys are not permitted to call detainees' directly or leave messages for them.
Recommendation: Ensure that attorneys have confidential and prompt access to their clients. Provide clear policy directives to attorneys and TKG staff regarding attorney access. Allow attorneys to call their clients directly and leave messages for them if needed.
- **Law Library:** The law libraries in the women's units are inadequate. They do not provide all the required materials, what is provided is not regularly maintained, and many women are not aware of how they can access the library. There are little to no materials for women who do not speak English. INS detainees do not have access to TKG's main law library as regular inmates do.
Recommendation: Provide all materials required by the INS Detention Standards, with dictionaries for non-English speaking detainees, and reasonable access to the library. Allow INS detainees to go to TKG's main law library as regular inmates are allowed to do.
- **Detainee Handbook:** While a TKG inmate handbook does exist, very few women are aware of it as it is not routinely issued upon admittance and it contains no information regarding a number of important issues (such as the grievance procedure). Moreover, the handbook that does exist is designed for regular inmates and not INS detainees, and is not even available in the languages many of the women speak.
Recommendation: Provide INS detainees at TKG with a handbook which gives them notice of applicable rules and policies in a language they understand.
- **Phone Access:** INS detainees at TKG have limited ability to reach the outside because jail telephones permit expensive calls only and most international calls are automatically blocked.
Recommendation: Provide reasonably priced phone cards and permit detainees to receive phone cards from families. Allow international calls.
- **Visitation:** While men detained by INS at Krome are entitled to two contact visits per week, the women detained at TKG are allowed only one contact visit a month. All other visits at TKG (two per week) are non-contact.
Recommendation: Allow female INS detainees more contact visits. At the very least, women should have the same visitation rights at TKG that men have at Krome (two per week).
- **Medical Treatment:** Many of the detainees at TKG are not receiving adequate medical care. They report experiencing a disturbingly wide range of problems including untreated conditions, untimely responses to medical requests, irregularities in their medications, lack of dental screenings and dental care, lack of counseling and mental health care and significant difficulties in communicating with the medical staff due to language barriers.
Recommendation: Ensure that women's medical needs are met, that they are provided with interpreters as needed, and that medicines are dispensed properly.

- Food:** Female INS detainees at TKG, including pregnant women, report that their food is neither adequate in quantity nor nutritious. Detainees are frequently given inedible and unsanitary food items. Women on restrictive diets, such as diabetics, vegetarians and women observing religious dietary restrictions, say their dietary needs are not met either.

Recommendation: Provide adequate and nutritious food and ensure that women on restrictive diets (for medical or religious purposes) have their needs met.
 - Personal Property:** INS detainees' personal items, including rosaries, watches, wedding rings and other jewelry, mirrors, combs, and items of personal hygiene are confiscated upon transfer to TKG. The women report going for weeks without deodorant, toothbrush, toothpaste, shampoo, sanitary pads and other basic hygienic supplies.

Recommendation: Allow detainees to keep personal items, such as rosaries and their wedding rings. Regularly provide (and allow detainees to keep their own) items of personal hygiene such as deodorant, toothbrush, toothpaste, shampoo, sanitary pads, etc.
 - Mail and Correspondence:** Detainees have experienced multiple problems sending and receiving mail and do not get stamps and/or envelopes as needed.

Recommendation: Ensure that detainees are able to send and receive mail in a timely fashion and that indigent detainees are provided with stamps and envelopes as needed.
 - Grievance Procedures:** Detainees at TKG say that their grievances have routinely been ignored or outright rejected. Women who do not speak English have almost no access to the grievance procedure.

Recommendation: Provide adequate and fair grievance procedure and ensure that non-English speaking women are also able to access this procedure.
-
- Press Access:** The press has not had reasonable access to INS female detainees at TKG. Indeed, both INS and TKG officials insisted on sitting in on all press interviews for months and have outright denied press access on multiple occasions. While some women have eventually been able to speak to the press, they report that officers have later singled them out.

Recommendation: Allow INS detainees reasonable and confidential access to the press.
 - TGK Meetings with Advocates:** Initially, TKG officials seemed genuinely interested in meeting with the detainees' advocates to address their concerns. However, a March 8th, 2001 meeting with the advocates was postponed and never rescheduled. INS instructed TKG officials that they could no longer meet with FIAC attorneys and other advocates unless INS first approved the meeting. Subsequent requests to INS to schedule such a meeting have gone unanswered. Moreover, the TKG Ombudsman, who was primarily responsible for assisting the advocates with their concerns, was removed and apparently never replaced.

Recommendation: Restore regular meetings with the detainees' advocates to provide a forum in which concerns, such as those listed above, can be appropriately addressed. Appoint Ombudsman.

- **Implement INS Detention Standards:** The TGK contract with INS includes language committing TGK to fully implement INS standards by March 1, 2001. This has not been done and TGK promises to further discuss this issue have not been met.
Recommendation: The INS standards need to be implemented, as agreed.

In sum, implementation of the INS Detention Standards and allowing INS detainees the same rights and privileges as regular inmates would greatly improve conditions at TGK for female INS detainees.

FLORIDA IMMIGRANT ADVOCACY CENTER, INC.

A non-profit organization dedicated to protecting and promoting
the basic human rights of immigrants of all nationalities in Florida



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Cheryl Little, Esq.

Via Facsimile: 305/638-6906

February 14, 2002

Commissioner Barbara Carey-Shuler
Miami-Dade County Commissioner
111 NW First Street, Suite 220
Miami, FL 33128

Dear Commissioner Carey-Shuler:


Thank you very much for the opportunity to present our concerns regarding the treatment of female INS detainees at the Turner Guilford Knight Correctional Center (TGK) on January 8th of this year. I believe the discussion was honest and productive.

I also appreciated the presence of TGK staff at the meeting because, as you are aware, we have been unable to meet with them since March of last year. I would like to again stress that when I spoke with Lieutenant Alejandro at TGK, he was very clear that TGK was no longer permitted to meet with advocates without prior approval by INS. I do hope that you can obtain a copy of this directive to TGK from INS.

I recall that you were going to be meeting with INS at some point after our meeting, and hope that you might be able to clarify the unresolved issue of the INS' contract with TGK, which apparently expired in November of last year. I would like to know what is causing the delay with the contract and what specifically is being done in the interim to ensure the humane treatment of the female INS detainees at TGK.

Thank you again for listening to our concerns and for your own efforts to ensure that women detained by INS at TGK are treated with dignity and respect. It is truly appreciated.

Sincerely,


Cheryl Little, Esq.
Executive Director

MEMORANDUM

TO: Samuel Williams
Assistant County Manager

FROM: *Charles J. McRay*
Lois Spears, Director
for Corrections and Rehabilitation
Department

DATE: February 14, 2002

SUBJECT: FIAC Concerns Regarding
Female INS Detainees

The following information is provided in response to the attached list of concerns and recommendations presented by the Florida Immigrant Advocacy Center's (FIAC) regarding the Immigration and Naturalization Service (INS) female detainees housed at the Turner Guilford Knight Correctional Center (TGK).

- **Translation/Interpretation:** Currently, interpreters are rarely provided to INS detainees and they often must depend on other detainees to interpret. Women who speak rare languages are linguistically isolated.

FIAC Recommendation: Provide interpreters as needed and ensure that women understand the rules and procedures of the facility in their native language.

C&R Response: Telephone interpreter services are provided for INS detainees who may be illiterate, disabled, or non-English speaking. These services are provided on a 24-hour a day, 7 day a week basis.

- **Spiritual Support:** Only INS detainees and TGK inmates convicted of Lewd and Lascivious crimes are not allowed to attend the jail's Chapel. Spiritual support for the women is not available in most of the languages they speak. Spiritual support for women for non-Christian faiths is practically non-existent.

FIAC Recommendation: Allow INS detainees to attend the TGK Chapel if they wish. Provide spiritual support for women of all faiths in their native languages.

C&R Response: Various denominational groups provide religious services. Community religious and spiritual leaders are available to meet with the detainees at their request.

- **Recreation:** One of the women's most frequent complaints is that they have absolutely nothing to do. Unlike regular inmates, they do not have access to GED or vocational programs. Many women have expressed a desire to attend English classes. They cannot even receive books or magazines in packages from their families.

FIAC Recommendation: Allow activities such as GED, English or vocational classes. Allow families and friends to send the women books and magazines.

C&R Response: Equipment was installed to address the communication, education and recreational needs of the detainees. Additionally, several programs and training is offered to assist detainees upon their release, such as parenting classes, Alcoholics Anonymous group sessions, English for Speakers of Other Languages classes, and a workplace essentials class instituted by the Miami-Dade County School system.

- **Attorney Access:** Attorneys frequently experience unnecessarily long delays in meeting with clients. Policy changes without prior notification have also disrupted attorney access. Attorneys are not permitted to call detainees directly or leave messages for them.

FIAC Recommendation: Ensure that attorneys have confidential and prompt access to their clients. Provide clear policy directives to attorneys and TGK staff regarding attorney access. Allow attorneys to call their clients directly and leave messages for them as needed.

C&R Response: Legal representatives may visit detainees 24 hours a day, 7 days a week, except during unusual circumstances, facility headcount and emergency situations. A list of pro bono legal organizations is posted in their housing area. This list is updated quarterly by INS. Also, at times, notifications will be posted to announce Group Legal Rights presentations that are open to all detainees.

- **Law Library:** The law libraries in the women's units are inadequate. They do not provide all the required materials, what is provided is not regularly maintained, and many women are not aware of how they can access the library. There are little to no materials for women who do not speak English. INS detainees do not have access to TGK's main law library as regular inmates do.

FIAC Recommendation: Provide all materials required by the INS Detention Standards, with dictionaries for non-English speaking detainees, and reasonable access to the library. Allow INS detainees to go to TGK's main law library as regular inmates are allowed to do.

C&R Response: A law library was started for the sole use of the detainees. The library includes computers and diskettes, copiers and legal reference books; the telephone number for legal aide is also available. Self-help material is provided by INS and made available to all detainees for their use for research or preparation for their defense.

- **Detainee Handbook:** While a TGK inmate handbook does exist, very few women are aware of it as it is not routinely issued upon admittance and it contains no information regarding a number of important issues (such as the grievance procedure). Moreover, the handbook that does exist is designed for regular inmates and not INS detainees, and is not even available in the languages many of the women speak.

FIAC Recommendation: Provide INS detainees at TGK with a handbook which gives them notice of applicable rules and policies in a language they understand.

C&R Response: A Detainee Handbook that explains the rules, regulations, and services/programs available to detainees while housed at TGK is available in English, Creole, Spanish and Chinese.

- **Phone Access:** INS detainees at TGK have limited ability to reach the outside because jail telephones permit expensive calls only and most international calls are automatically blocked.

FIAC Recommendation: Provide reasonably priced phone cards and permit detainees to receive phone cards from families. Allow international calls.

C&R Response: Detainees are allowed to make direct access calls to courts, consular offices and free legal offices. Detainees may make collect calls within the United States. Detainees may purchase prepaid phone cards for long distance and overseas access calls. An internal telephone line was installed for use by the detainees immediately after being processed for access to TTY/TDD communication system for hearing impaired individuals, for example. An interpreter/translator speaker telephone is available 24 hours per day.

- **Visitation:** While men detained by INS at Krome are entitled to two contact visits per week, the women detained at TGK are allowed only one contact visit a month. All other visits at TGK (two per week) are non-contact.

FIAC Recommendation: Allow female INS detainees more contact visits. At the very least, women should have the same visitation rights at TGK that men have at Krome (two per week).

C&R Response: Visiting with family and friends is encouraged. We have been able to accommodate all visitation requests, to include unscheduled visitors such as those visitors who are from out of town. However, due to the fact that the total inmate population at TGK is 1,000, we are unable to accommodate two contact visits per week.

- **Medical Treatment:** Many of the detainees at TKG are not receiving adequate medical care. They report experiencing a disturbingly wide range of problems including untreated conditions, untimely responses to medical requests, irregularities in their medications, lack of dental screenings and dental care, lack of counseling and mental health care and significant difficulties in communicating with the medical staff due to language barriers.

FIAC Recommendation: Ensure that women's medical needs are met, that they are provided with interpreters as needed, and that medicines are dispensed properly.

C&R Response: Qualified health care professionals are available to provide all detainees with continuous medical care. The Public Health Trust's Corrections Health Services, provides the medical care and services. No detainee is denied medical, mental health, and dental care service while housed in the TKG facility.

- **Food:** Female INS detainees at TKG, including pregnant women, report that their food is neither adequate in quantity nor nutritious. Detainees are frequently given inedible and unsanitary food items. Women on restrictive diets, such as diabetics, vegetarians and women observing religious dietary restrictions, say their dietary needs are not met either.

FIAC Recommendation: Provide adequate and nutritious food and ensure that women on restrictive diets (for medical or religious purposes) have their needs met.

C&R Response: Detainees are served three nutritionally balanced meals prepared daily from menus approved by a registered dietitian. Special religious diets and medically necessary diets are also provided. A separate time frame for meal services has been created for INS detainees to accommodate their schedule. Our Food Services Bureau provides all services that are in compliance with the Florida Model Jail Standards.

- **Personal Property:** INS detainees' personal items, including rosaries, watches, wedding rings and other jewelry, mirrors, combs, and items of personal hygiene are confiscated upon transfer to TKG. The women report going for weeks without deodorant, toothbrush, toothpaste, shampoos, sanitary pads and other basic hygienic supplies.

FIAC Recommendation: Allow detainees to keep personal items, such as rosaries and their wedding rings. Regularly provide (and allow detainees to keep their own) items of personal hygiene such as deodorant, toothbrush, toothpaste, shampoo, sanitary pads, etc.

C&R Response: Numerous items have been issued or provided to the detainees for their personal use; e.g., special color-coded uniforms, heavy jackets for use in cool temperatures, socks, footwear and undergarments. On a weekly basis, our Rehabilitative Services Bureau supplies each detainee with personal hair shampoo, deodorant, comb, toothbrush, toothpaste, soap, two sheets of writing paper, stamped envelope, and a pencil. In addition, detainees are given sanitary napkins as needed. Detainees are allowed to keep their wedding rings and our Chaplaincy Services Bureau provides rosaries.

- **Mail and Correspondence:** Detainees have experienced multiple problems sending and receiving mail and do not get stamps and/or envelopes as needed.
FIAC Recommendation: Ensure that detainees are able to send and receive mail in a timely fashion and that indigent detainees are provided with stamps and envelopes as needed.

C&R Response: The policy of the Department is to provide detainees with the availability to receive and send correspondences via the United States Postal Service. In the event mail is returned to the sender, detainees shall be given written notice why their correspondence/package was returned. As stated above, detainees are given writing supplies to include a stamped envelope.

-
- **Grievance Procedures:** Detainees at TGK say that their grievances have routinely been ignored or outright rejected. Women who do not speak English have almost no access to the grievance procedure.
FIAC Recommendation: Provide adequate and fair grievance procedure and ensure that non-English speaking women are also able to access this procedure.

C&R Response: Grievance procedures are explained within the Detainee Handbook, which is available in several languages (detailed earlier). Grievances are collected daily and those that need to be addressed by INS are forwarded to them expeditiously. Additionally, INS has a locked grievance mailbox located within the housing units for detainee use.

- **Press Access:** The press has not had reasonable access to INS female detainees at TGK. Indeed, both INS and TGK officials insisted on sitting in on all press interviews for months and have outright denied press access on multiple occasions. While some women have eventually been able to speak to the press, they report that officers have later singled them out.
FIAC Recommendation: Allow INS detainees reasonable and confidential access to the press.

C&R Response: Detainees have reasonable access to the press. Arrangements for interviews are coordinated through the Department's Public Affairs Bureau and INS.

- **TGK Meetings with Advocates:** Initially, TGK officials seemed genuinely interested in meeting with the detainees' advocates to address their concerns. However, a March 8, 2001 meeting with the advocates was postponed and never rescheduled. INS instructed TGK officials that they could no longer meet with FIAC attorneys and other advocates unless INS first approved the meeting. Subsequent requests to INS to schedule such a meeting have gone unanswered. Moreover, the TGK Ombudsman, who was primarily responsible for assisting the advocates with their concerns, was removed and apparently never replaced.

FIAC Recommendation: Restore regular meetings with the detainees' advocates to provide a forum in which concerns, such as those listed above, can be appropriately addressed. Appoint Ombudsman.

C&R Response: Although the attached March 27, 2001 letter from Ms. Kim Boulia of the INS advised the Department to refer requests from FIAC to meet and discuss INS matters concerning TGK to her office, FIAC currently conducts meetings/presentations for the detainees on a weekly basis at TGK, addressing detainee concerns.

- **Implement INS Detention Standards:** The TGK contract with INS includes language committing TGK to fully implement INS standards by March 1, 2001. This has not been done and TGK promises to further discuss this issue have not been met.

FIAC Recommendation: The INS standards need to be implemented, as agreed.

C&R Response: During August 6-8, 2001, an inspection team from the United States Department of Justice Headquarters Office visited and inspected the TGK facility and standards. The inspectors' findings were addressed and resolved.

In addition to the preceding responses, the INS responded to United States Senator Bob Graham, in a letter dated April 18, 2001, following an inquiry to the senator from Ms. Magali Abad, Chairperson, Miami-Dade County Commission for Women. A copy of the letter to senator Graham and his response to Ms. Abad is attached.

The Miami-Dade Corrections and Rehabilitation Department is committed to providing high quality care, custody and control of all persons housed in our facilities, and it is our intention to treat the INS detainees housed at our Turner Guilford Knight Correctional Center with compassion and respect.

Should you have any questions or require additional information, please do not hesitate to contact me at (305) 229-7498.

LS/jb

Attachments

cc: Steve Shiver, County Manager
Kim Boulia, Officer-in-Charge, Office of Detention and Removal, Immigration and
Naturalization Service

FLORIDA IMMIGRANT ADVOCACY CENTER, INC.

A non-profit organization dedicated to protecting and promoting
the basic human rights of immigrants of all nationalities in Florida



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Cheryl Little, Esq.

May 1, 2002

Lois Spears, Director
Corrections and Rehabilitation Department
Department of Corrections
Miami-Dade County
Miami, FL

RE: Female INS Detainees at TGK

Dear Ms. Spears:

The Florida Immigrant Advocacy Center, Inc. (FIAC) received a copy of the Correction and Rehabilitation Department's (C&R) response to our concerns regarding female INS detainees housed at the Turner Guilford Knight Correctional Center (TGK). Unfortunately, we do not believe the response adequately addressed our concerns and we remain troubled about conditions at TGK and TGK's failure to comply with INS Detention Standards, which were supposed to be fully implemented by March 1, 2001.

We are also disturbed that while improvements continue to be made at Krome, which houses the male INS detainees, conditions for the women at TGK are progressively deteriorating. Indeed, at an April 9, 2002 meeting, INS officials spent a great deal of time describing a number of positive changes recently made at Krome and plans for future improvements there. Regarding TGK, however, officials spent only a few minutes describing the women's units before answering questions from advocates. INS officials clearly focus their resources on male detainees, who comprise the bulk of their population. The treatment of female INS detainees at TGK points to a pervasive pattern of discrimination and neglect.

The following outlines some of our ongoing concerns regarding the issues we brought to your attention on January 8, 2002:

- **Translation/Interpretation:** While we are pleased to hear that this service is available, we continue to believe it is only provided in extremely limited circumstances. Virtually all of the non-English speaking women we have spoken with at TGK in recent weeks are unaware this service even exists. Indeed, FIAC staff persons have been asked by TGK Correctional Officers to interpret for them when they need to communicate with the women or to translate jail

documents.

Currently, well over three quarters of the asylum seekers at TKG are Haitian women. Most have been detained there since early December, 2001. While TKG apparently has some Creole-speaking Correctional Officers, these Officers are rarely placed in the asylum seekers' unit. The women therefore often rely on hand gestures to communicate their needs, and miscommunication is common. This has resulted in their wrongfully being blamed for refusing to follow officers' orders. Explanations of TKG's policies, rules, services or activities are meaningless if the women are not made aware of them in a language they understand. The Haitian women, for example, are unaware of most of the services that might be available to them and are generally unable to voice their needs or concerns to TKG officers. Other non-English speaking asylum seekers have also complained about their inability to communicate with officers. For example, a young Iraqi woman told FIAC in December, 2001 that when an INS officer tried to speak with her she was not provided with an interpreter to understand what was being said. (See enclosed report, p. 18). Communication problems due to language barriers are pervasive and affect almost every aspect of the women's lives at TKG.

Please provide details regarding how often the telephonic interpreter service cited in the C&R response has been used by the INS detainees at TKG or by officers needing to communicate with them, how the women are made aware of this service, and what they need to do to access it.

➤ ***Spiritual Support:*** The C&R response says that various denominational groups provide religious services and that community religious and spiritual leaders are available to meet with detainees at their request. However, it does not address FIAC's concern that **only** TKG inmates convicted of Lewd and Lascivious crimes and INS detainees are prevented from attending the jail's chapel. On April 9, 2002, the TKG Women's Facility Officer-in-Charge confirmed not only that INS detainees are not allowed to attend the Chapel but she also acknowledged that any religious services provided in the women's units are primarily conducted in English. This supports FIAC's concern, as raised in our January 8, 2002 memo, that spiritual support is not available for women who speak languages other than English or Spanish.

While some detainees are aware that religious groups do meet with certain of the detainees, the vast majority of asylum seekers say they have not received these visits and do not know how to go about requesting one. For example, the Haitian asylum seekers say that they have not been provided with any religious services and are not aware that they can request to do so. As a result they try to pray together as a group, although some officers do not even allow them to do this. Moreover, women of non-Christian faiths continue to experience obstacles in the practice of their religions at

TGK. For example, a Muslim woman states she continually has to negotiate with new officers in her unit in order to be permitted to wear a head scarf, although this is supposedly an accepted policy at TGK. The asylum seekers also point out that when religious groups visit, they often do so in the law library or attorney visitation room, thereby making this space unavailable for other women and their attorneys.

Again, the C&R response raises more questions than answers: Why are INS detainees not allowed to attend the jail's chapel? What denominational groups currently provide services? In what languages are these religious services provided? How often are such services provided? How are the INS detainees made aware that they may meet with religious and spiritual leaders (if written notification, in what languages) and what must they do to facilitate such a meeting?

- ***Recreation:*** The C&R response indicates that "several programs and training" are offered to INS detainees to assist them upon release, including parenting classes, AA group sessions, ESOL classes and a workplace essentials class instituted by the Miami-Dade County School system. None of these programs are being offered to the asylum seekers at TGK. While certain of them have been provided the non-asylum seekers, even these have been sporadic at best (workplace essentials classes have been held in English, one parenting class in English was held once a week for three weeks and AA classes were held for a short time for two women). Also, when asked on April 9, 2002 in which languages these activities were conducted, INS officials responded that they are only in English, although some of the teachers may sometimes speak another language. Given that the vast majority of INS detainees at TGK do not speak English, they are effectively denied the opportunity to benefit from any of these programs. The Haitian asylum seekers, for example, did not know that any of these programs or classes even exist. And, as discussed in our earlier memo, although women in the non-asylum pod can take GED classes, they cannot get their GED certificate, as can the regular TGK inmates.

For each of the classes and programs mentioned, please provide information regarding the following: When did these classes begin? How many times were they held? In what languages? How are detainees made aware of these programs? What do detainees need to do to participate? Who was able to participate (which units)?

FIAC's recommendation that TGK allow the women's families to send the women books or magazines was not addressed by C&R. Why can't the women's families send them magazines and books as they could at Krome? C&R's response also claims that equipment was installed to address the communication, education and recreational needs of the detainees. Exactly what equipment was installed?

The women's access to recreation at TGK has worsened significantly since FIAC

presented its written concerns in January. The only access to fresh air the women detained at TGK have is if they go to the enclosed, concrete-walled "recreation area" adjacent to their unit. Although significant amounts of time spent in lockdown have prevented the women from having better access to this small area, until February, 2002 they were generally allowed to come and go there as they wished. Since February however, their access to this area has been curtailed significantly, as time there is now limited to one hour every other day. Furthermore, the women are searched on the way in and out from "recreation" and cannot come back inside the unit to use the restroom during their hour outside. Most of the Haitian asylum seekers report finding this new recreation procedure so humiliating that they choose not to access it at all.

By contrast, the male detainees at Krome have access to a very large, open outdoor area and to far more recreational activities. Moreover, recreational activities for male INS detainees at Krome are being expanded. At a meeting with Community Based Organizations in Miami on April 9, 2002, Krome Officer-in-Charge Wesley Lee described numerous improvements that have recently been made at Krome. Mr. Lee showed pictures of Krome's soccer field, sand volleyball court, basketball court, exercise equipment and other recreational options for male detainees and described efforts to develop two additional soccer fields and two more volleyball courts at Krome's "open campus." Also, the detainees at Krome, unlike those at TGK, are allowed to work and get paid a nominal amount for their work (\$1.00 per day). Many of the women would love to work because it would keep them busy.

➤ ***Attorney Access:*** Legal representatives are not allowed to visit detainees 24 hours a day, 7 days a week, as the C&R response claims, and FIAC's other concerns regarding attorney access were not addressed. In the past few weeks alone, FIAC staff, volunteers, interpreters, and law students have experienced increasing difficulty in gaining access to their clients. FIAC staff typically wait up to an hour just for an escort in order to go from TGK's lobby to the women's units. Frequent policy changes without prior notice regarding identification required for entry at TGK continue to cause considerable problems for FIAC staff needing access to TGK. (See attached statements by Sarnia Michel and Charu N. Al-Sahli).

Attorneys' movements in the facility are also restricted during lockdowns and counts. Additionally, FIAC staff and attorneys already in the women's units meeting with clients frequently are told they must wait to be escorted back downstairs to see additional clients in the unit who also wish to see them. Well over a year ago the head of TGK assured us this would not be necessary, and despite numerous assurances from him and our attempts to inform officers in this regard, most TGK officers evidently are not aware of this decision. Most importantly, there is not ample space at TGK to adequately accommodate attorney visits. Each of the two women's units has only one small attorney visitation room, which affords little or no privacy.

The numerous delays and obstacles to attorney access at TKG are of extreme concern since the Haitian asylum seekers' court proceedings have in effect been expedited since they are in detention. Effectively assisting dozens of these Haitians prepare their asylum cases has been next to impossible. When attorneys and legal representatives are prevented from spending adequate time to prepare their clients' cases, the detainee is in effect denied their day in court.

- **Law Library:** The C&R response claims that "computers and diskettes, copiers and legal reference books" are available in the women's law libraries. In fact, there is no copier in either of the law libraries. Also, attorneys are unable to make copies of their clients' legal documents at TKG. This has been particularly problematic for FIAC in attempting to help the Haitian asylum seekers because FIAC staff have had to gather all the women's documents, take them to the FIAC office to copy and then bring them back to TKG to redistribute the originals to the detainees.

While computers are available, they are of little use if they do not function and/or the women are not aware of them or trained in how to use them. Likewise, legal references and self-help materials are meaningless if they are not in a language the women understand. While some English speaking detainees have received a diskette from INS, none of the asylum seekers FIAC has spoken with were aware of how they might obtain one. Moreover, most of the Haitian asylum seekers with whom FIAC spoke were unaware that the law library even existed, much less the extent of its contents and availability of equipment for their use.

The law library at Krome is far better than the TKG law libraries in many respects. For example, at the CBO meeting on April 9, 2002, the Officer-in-Charge showed pictures depicting many shelves of legal reference materials at Krome's law library and stated that it has eight computers with printers, copiers and typewriters.

Please provide the telephone number of the legal aide cited in the C&R response and specify what exactly the legal aide does. How are INS detainees made aware that this number is available? In what language(s) is the legal aide service available? Which languages are the self-help materials available in? To whom are such materials distributed and how frequently? How and by whom are the materials in the libraries maintained and updated and how often? How are women made aware of the materials available in the law library? Why don't INS detainees have access to the main TKG library as the regular inmates do?

- **Detainee Handbook:** Please provide a copy of the handbook cited in the C&R response in English, Spanish, Creole and Mandarin. Is this handbook specifically designed for INS detainees or for the TKG inmate population? How are INS detainees who are illiterate or do not speak one of these languages made aware of policies described in the handbook?

- **Phone Access:** The C&R response did not address the principle concerns FIAC listed, including detainees' having to buy expensive phone cards and the fact that most international calls are automatically blocked. Therefore, please provide details regarding the cost of the pre-paid phone cards available to the women. Are any other phone card options available? Why aren't detainees' families allowed to send them phone cards? Why can't the women make international calls?

Additionally, the C&R response states that INS detainees are able to make direct access calls to courts, consular offices and legal offices providing pro bono services. In late March 2001, however, TKG staff and an INS Deportation Officer there appeared to be unaware that the detainees are permitted to make automatically programmed non-collect calls to FIAC. Also, on March 29, 2002, a Haitian asylum seeker who was finally able to call her attorney at FIAC was cut off after little more than a minute. Therefore, these questions remain: How are the women in both units made aware that they may make direct access calls to courts, consular offices and to FIAC? How are officers in both women's units made aware that this service exists? Why are these calls often cut off?

- **Visitation:** While the C&R response acknowledges that TKG only provides female detainees one contact visit per month, as compared to two contact visits per week at Krome, we are told that all visits are encouraged and accommodated. Most of the women FIAC has spoken with, however, do not feel encouraged at all to visit with their families, due not only to the limited nature of such visits but also to the completely inappropriate and uncomfortable setting of the visitation areas. Contact visits, for example, occur in the hallway adjacent to the women's units. It is generally terribly crowded and affords little or no privacy.

Furthermore, while TKG has been unable to accommodate more than one contact visit per month for the INS detainees, it has apparently been able to provide certain regular inmates more than one visit per month. The facility rules posted in the TKG lobby state, "General population inmates are eligible for a minimum of one contact visit every 30 days. **Sentenced inmates are eligible for one contact visit every two weeks.**" (Miami-Dade Corrections and Rehabilitation Department, Vol. No. 17, D.S.O.P. No. 17-003, Section B: 'General Visiting Procedures,' #3). Why is TKG able to provide sentenced inmates with more than one contact visit a month, while the INS detainees—none of whom are serving a criminal sentence—are still only allowed one per month?

Currently, non-contact visits take place in a booth separated by plexiglass where the holes allowing for the visitor and detainee to speak to one another are actually located *beneath* the plexiglass dividers. This means the visitor and detainee must contort their bodies in order to be heard, and at the expense of any eye contact. A TKG

official claimed this was done some time ago, when regular inmates were housed there, in order to prevent the passing of contraband. Congressman John Conyers, who toured TKG on March 9, 2002 witnessed first-hand how impossible it was for the women having non-contact visits to communicate with loved ones and asked TKG officials to promptly address the problem. Women have foregone visits with loved ones because of the uncomfortable nature of these visits.

The *INS Standards* require that detainees be provided a visitation room "appropriately furnished and arranged, and as comfortable and pleasant as practical," and that all visits be conducted in a "quiet, orderly and dignified manner." This is clearly not the case at TKG.

- **Medical Treatment:** C&R's response is vague and does not acknowledge the wide range of consistent and serious complaints made by the INS detainees at TKG regarding medical care. Countless examples of the lack of adequate medical care provided are detailed in the enclosed report on pages 38 thru 55. More recently, on March 8, 2002, one of the FIAC's clients was spitting up blood in the presence of a TKG officer. Despite numerous attempts by this detainee to obtain medical attention, and FIAC's and the Officer's calls to the health clinic at TKG, she did not receive appropriate medical attention until the following day when Congressman Conyers was visiting TKG and insisted that she be seen by a doctor. She had to be taken to the hospital that same day.

Many of the detainees at TKG continue to report they are not receiving adequate medical care. Their concerns include untreated conditions, untimely responses to medical requests, irregularities in their medications, lack of dental screenings and dental care, lack of counseling and mental health care and significant difficulties in communicating with the medical staff due to language barriers. Women who appear depressed are often threatened that they will be sent to a psychiatric ward. It may well be that the medical staff at TKG were overwhelmed before the INS detainees were moved there and simply cannot handle the extra workload. Indeed, TKG's own nurses have expressed concern over certain aspects of the medical care provided. (See Appendix B of the enclosed report).

On April 9, 2002, Krome's Officer-in-Charge showed pictures of the new state-of-the-art medical equipment that has been installed in the newly built medical facility at Krome in order to meet the medical needs of the men detained there. He also showed pictures of the on-site dental office at Krome. At the very least, medical care offered to the women should match the standard of care given to the men.

- **Food:** While C&R claims that INS detainees are served three nutritionally balanced meals per day, the women continue to report serious deficiencies in the food they are provided. FIAC staff have witnessed women being given food items with mold on

them. Almost all of the Haitian women claim the food is inedible and some believe they have lost weight since their arrival at TGK.

Regarding special dietary needs of detainees, some women still claim their special needs are not being met. One Haitian woman who was ill said that the doctor told her she needed extra milk, which she is not receiving. There is currently at least one pregnant INS detainee at TGK who says she is served the same food as everyone else. Further examples can be found in the enclosed report, pages 32 thru 38.

Please provide further information regarding the following: Who is the TGK registered dietician? Are the women permitted to contact him/her and, if so, how are the detainees so informed? What are the special diets available? How many of the INS detainees have received special diets and for how long? How are INS detainees made aware of the process for requesting special diets (e.g. vegetarian, religious)? Please provide the TGK menu with daily alternative menus for women with special needs.

- ***Personal Property:*** While we are pleased to hear that TGK has changed its previous policy and that wedding rings are now allowed and rosaries are supposedly provided, the Haitian women have no idea how to obtain a rosary. We remain concerned that at times women continue to go without basic hygienic supplies, including sanitary pads, because the small quantity of supplies they are given run out. For example, last month one of the Haitian asylum seekers began her menstrual cycle at night and did not have a sanitary pad. She tried to request one from a Correctional Officer, but the C.O. would not even give her toilet paper to use. She told FIAC she had to cut up a pair of panties to substitute as a sanitary pad. Please inform us in what quantities hygienic items are available.

Regarding the “two sheets of paper, one stamped envelope and pencil” which C&R states is provided the detainees weekly, we find this completely inadequate for an INS detainee, and especially one who is trying to represent herself in immigration proceedings. Indeed, this is not even compliant with the INS Detention Standards which state, “Indigent detainees will be permitted to mail a reasonable amount of mail each week, including at least five pieces of special correspondence and three pieces of general correspondence.” They further state that detainees will be permitted to mail, “All correspondence related to a legal matter, including correspondence to a legal representative, potential legal representative, and any court,” at government expense (See Detention Operations Manual; Detainee Services; Mail and Correspondence (III) (I) “Postage Allowance.”

- ***Mail and Correspondence:*** C&R states that their policy is to facilitate detainees’ sending and receiving mail, however, it does not address any of the problems experienced by the women in this regard. For example, women report prolonged and

unjustified delays in receiving mail and irregular delivery of outgoing mail. Some women have even had problems receiving certified mail regarding their legal cases. (See preceding paragraph regarding stamps and envelopes.) Does this mean that C&R is not aware of grievances filed or other complaints made by detainees in this regard or that they don't believe such grievances are well-founded?

- ***Grievance Procedure:*** While C&R states that grievances are collected daily, it did not address women's complaints that their grievances have routinely been ignored or outright rejected. The Haitian women are also afraid to complain, for fear of retaliation. This does not seem unreasonable given that, shortly after a number of them stopped eating, they were told they would be sent to the psychiatric ward of a local hospital unless they ended their hunger strike. Similarly, a few weeks ago one young Haitian woman who was crying a lot was told if she didn't stop she too would be sent to a psychiatric hospital. Most of the Haitian asylum seekers also feel they are unable to access the grievance procedure because they cannot read or write English and are therefore unable to voice their concerns or complaints. The C&R response failed to specify whether or not grievances may be written in languages other than English, and if not, who assists non-English speaking detainees or those who are illiterate in making a grievance in English.
- ***Press Access:*** Members of the press continue to tell FIAC that they experience undue delays in their requests to meet with INS detainees at TGK. For example, Miami Herald and Sun-Sentinel reporters have had to wait weeks to meet with detainees. And a reporter who traveled to Miami from DC was initially denied access to detainees whom INS had said could meet with him.
- ***Implement INS Detention Standards:*** Unfortunately, the INS standards in large part do not appear to have been implemented at TGK. Indeed, the very physical layout of the facility prevents some of the most important standards from being met, such as attorney access, access to legal materials and visitation. Many of the other standards could be easily implemented. Please provide a copy of the report of the DOJ inspection team, which visited TGK in August 2001, so that we may respond in further detail. Please also explain how their concerns were resolved.

A far more detailed account of our concerns over the treatment of the female detainees at TGK is provided in the enclosed report. They are a very unique population with special needs. None of the women in INS custody at TGK are serving a criminal sentence, and more than half of them are simply asylum seekers. While we understand that TGK is a jail and that there are policies and rules it must follow with its inmate population, we believe that there are a number of concerns that could be easily addressed and would greatly improve the women's lives at TGK. For example, a more proactive use of the telephonic interpreter service would reduce misunderstandings and frustrations experienced by both detainees and Correctional Officers, and would also allow the women access to services and programs of which they are currently unaware. TGK must ensure that female INS


detainees have access to the same services and are given the same privileges as their male counterparts at Krome, and at the very least as other inmates at TKG.

It is also important to note that INS officials in the past claimed that most asylum seekers at TKG are released shortly after their credible fear interviews. However, many of the Haitian asylum seekers now at TKG have been there for months following such interviews. The longer the women are detained, the more unbearable conditions in the jail become. This is especially so for the Haitians, since they see asylum seekers from other countries being quickly released. Moreover, conditions at TKG are extremely traumatizing for women who have suffered persecution in their country of origin. It is therefore not surprising that the Haitian women are depressed and quite despondent. Their sense of isolation and depression can adversely affect their ability to articulate their asylum claims.

On March 26, 2002, the Miami-Dade County Commission recognized that TKG was "not designed to meet the detention needs of immigration detainees," and that "the security constraints and restrictions imposed upon the female INS detainees who are being detained at TKG are more restrictive than those imposed upon male detainees being held at the INS Krome detention facility." The County Commission passed a resolution directing the County Manager to work with INS to investigate alternative sites within Miami-Dade County for female INS detainees and to submit a report on such alternatives within 45 days of the resolution. They were advised not to renew or extend their contract with INS until the report had been received and considered.

The enclosed report, along with recent statements and grievances made by the women at TKG, hopefully will provide you with sufficient information so that greater efforts can be made to improve conditions for the female detainees while they are at TKG. We look forward to your response.

Sincerely, .



Cheryl Little
Executive Director

Charu Newhouse Al-Sahli
Detention Advocacy Coordinator

FLORIDA IMMIGRANT ADVOCACY CENTER, INC.

A non-profit organization dedicated to protecting and promoting
the basic human rights of immigrants of all nationalities in Florida



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Cheryl Little, Esq.

February 13, 2002

Kimberly Boulia, TGK Liaison
Miami District Office
Immigration & Naturalization Service
7880 Biscayne Blvd.
Miami, FL 33138


Dear Ms. Boulia:

I write to renew my request to have regular meetings with officials from the Immigration and Naturalization Service and the Turner Guilford Knight (TGK) facility to discuss ongoing concerns about the treatment of female INS detainees at TGK. We found these meetings to be productive in the past.

I understand that INS instructed TGK officials that they could no longer interact directly with advocacy organizations like FIAC. I was told that if we wanted a meeting with TGK officials, we had to go through the INS. Upon learning this last year, I wrote you several requests for meetings, the last of which was on June 14, 2001. Unfortunately, I have never received a response. I request a copy of this INS directive to TGK.

Thank you in advance for your consideration of these requests and I look forward to our future meetings.

Sincerely,


Cheryl Little
Executive Director

cc: Captain Fernandez
Turner Guilford Knight Correctional Center

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

Case No. CIV-02-20822 (Lenard/Turnoff)

ERNEST MOISE, HEDWICHE JEANTY,
BRUNOT COLAS, JUNIOR PROSPERE,
PETERSON BELIZAIRE, and LUURENCE
ST. PIERRE, on behalf of
themselves and all others
similarly situated,

Petitioners/Plaintiffs,

DECLARATION OF PETER
MICHAEL BECRAFT

v.

JOHN M. BULGER, Acting Director
for District 6, Immigration and
Naturalization Service, JAMES W.
ZIGLAR, Commissioner, Immigration
and Naturalization Service, JOHN
ASHCROFT, Attorney General of the
United States, IMMIGRATION AND
NATURALIZATION SERVICE, and UNITED
STATES DEPARTMENT OF JUSTICE,

Respondents/ Defendants.

I, Peter Michael Becraft, declare that:

1. I am the Acting Deputy Commissioner of the Immigration and Naturalization Service (INS). I have acted in that capacity from September 11, 2001 until the present.

2. As the Acting Deputy Commissioner, I have authority pursuant to 8 CFR 212.5(a) to continue an alien in custody or grant parole under section 212(d)(5)(A) of the Immigration and Nationality Act (INA).

3. The matters contained in this declaration are based on my personal knowledge of the matters addressed, as well as information available to me in my capacity as Acting Deputy Commissioner.

4. I am aware of litigation involving the plaintiffs, which has been filed in the United States District Court, Southern District of Florida. I am also aware that the litigation involves the plaintiffs' challenge to parole decisions made by the INS concerning Haitian nationals arriving in South Florida since December 3, 2001. I submit this Declaration for the purpose of describing the practice of the INS since that date regarding parole applications of inadmissible arriving aliens from Haiti who have been found to have a credible fear.

5. On December 3, 2001, 167 Haitian migrants were rescued by the Coast Guard from a boat that was foundering off the coast of Florida. Eighteen other migrants from the same vessel successfully swam to shore, while two others were reported drowned. The 18 migrants who swam to shore were not subject to mandatory detention as expedited removal cases, unlike those rescued at sea by the Coast Guard, and they were paroled from custody shortly after their apprehension.

6. The vessel that arrived on December 3, 2001, was one of several that departed Haiti and was interdicted by the Coast Guard since November, 2001, marking a sharp increase in irregular

maritime departures from Haiti. In the month of November, 2001, the Coast Guard reported interdicting vessels carrying a total of 350 Haitian nationals. By contrast, in the three months prior to November 2001, the Coast Guard interdicted a total of 96 Haitian nationals.

7. On December 4, 2001, the INS issued a statement to the media advising Haitians of the dangers they face by boarding unseaworthy boats and heading out to sea in an attempt to reach the United States.

8. In the wake of this sharp increase in dangerous maritime departures from Haiti, consultations occurred among officials from several executive agencies and INS officials, including myself. In these consultations, the following concerns were discussed: (1) the possibility that the numbers of Haitians embarking in U.S.-bound boats would continue to increase and turn into a mass migration; (2) that the U.S. should take steps to discourage Haitians from contemplating dangerous voyages to the United States; (3) that paroling the migrants from the December 3 vessel might cause others to attempt dangerous maritime departures, placing themselves at risk, or trigger a mass migration from Haiti to the United States; (4) that adjusting the INS' parole criteria with respect to Haitians arriving by boat in South Florida, so that the parole criteria would be applied in a more restrictive manner, would be a reasonable step to take in

order to address concerns (1) to (3) above; and (5) that the Haitians from the December 3 vessel, and other Haitians who might arrive in a similar fashion in South Florida, are less likely to appear for their immigration proceedings or for removal, if they ultimately received final orders of removal, given their demonstrated desperation to depart Haiti. Based on these consultations and concerns, I exercised my authority under section 212(d)(5) of the INA and section 212.5 of title 8 of Code of Federal Regulations, and instructed the INS Office of Field Operations to adjust its parole criteria with respect to inadmissible Haitians arriving in South Florida. I instructed that office that no Haitian should be paroled without the approval of INS Headquarters. The Miami District continued its case-by-case review of Haitians detained since December 3, and made recommendations to INS Headquarters regarding cases that should be considered for parole. In response to these recommendations, and after further consultation with Department of Justice officials, I instructed the District to parole specific Haitians whose cases demonstrated extreme hardship. In no way did the race of these detainees influence any of these decisions.

9. Since December 3, 2001, the INS has granted parole to 32 arriving aliens from Haiti for reasons of extreme hardship including 4 from the December 3 vessel. Based on individualized,

case-by-case reviews, the INS granted parole to five women who were pregnant and ten juveniles who had family members in the community who were willing to take them in. In addition to the procedures described in paragraph 9 above, the INS will consider paroling any other migrant whose continued detention would cause unusual hardship.

10. More recently, however, but prior to the filing of this lawsuit, the INS determined that it will consider, pursuant to enhanced procedures for scrutinizing each alien's likelihood to appear, the parole of inadmissible Haitian nationals who arrive by regular means at designated ports of entry in South Florida and establish a credible fear of persecution or torture. These enhanced procedures will include steps such as interviewing potential sponsors, physically verifying residences and addresses, and requiring sworn affidavits of support from sponsors. Additionally, the INS will impose conditions on parole designed to ensure aliens' appearance at their immigration proceedings, such as reporting requirements. The INS intends to apprehend and detain those who fail to appear for a hearing date or violate a condition of parole.

11. INS officials are paying close attention to the detention of Haitians in Florida, the arrival of undocumented Haitians, and the danger of mass migration. As the situation changes, INS will appropriately adjust the INS's parole criteria.

I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in black ink, appearing to read "Stephen W. Beatty", written over a horizontal line.

Executed this 18th day of March, 2002.



USCCB Committee on Migration

c/o MIGRATION AND REFUGEE SERVICES

3211 FOURTH STREET NE • WASHINGTON DC 20017-1194 • 202-541-3227 • FAX 202-722-8755

March 25, 2002

The Honorable John Ashcroft
Attorney General
U. S. Department of Justice
950 Pennsylvania Avenue, N.W., Room 5111
Washington, D.C. 20530

Dear Mr. Attorney General:

I write to request your intervention with the Immigration and Naturalization Service (INS) for the purpose of releasing over 200 Haitian asylum-seekers currently detained in South Florida and other parts of the country. A majority of these detainees have been determined by the INS to have a "credible fear" of returning to Haiti.

As you know, the Catholic Church holds a special interest in the plight of refugees and asylum seekers. Jesus Himself was a refugee who fled into Egypt with the Holy Family to escape the terrors of King Herod. It is the position of the Catholic Church that asylum seekers should have adequate legal representation, prompt access to an impartial judge, and freedom from unnecessary detention.

In this regard, every effort should be made to ensure that the detained Haitians are provided a full and fair hearing of their asylum claims and are not returned to face persecution. Since asylum seekers generally do not present a danger to the community or a risk of flight, these individuals should be released to family or supportive community members, such as Catholic Charities, during the pendency of their immigration proceedings.

Until recently, the INS policy in Miami was to release asylum-seekers from detention while they pursued their claims. INS in Miami continues to release non-Haitian asylum seekers during the

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pendency of their proceedings. However, since December 2001, the INS in Miami has been detaining Haitian asylum seekers. Such selective treatment of one group of nationals raises serious questions of fairness and discrimination based on national origin.

As important as their immediate release from detention is their access to adequate legal representation. Recent news reports confirm that politically motivated violence is on the rise in Haiti. Most of the Haitians currently in detention have passed a "credible fear" interview and it is likely that many of these individuals have valid claims to asylum in the United States. However, many do not have access to legal representation which they need in order to have their cases fully and fairly heard and decided.

Moreover, Haitian asylum seekers face several serious impediments to their ability to apply for asylum in the United States. First, there are not enough pro bono attorneys available to provide representation to all of the asylum seekers at the pace their cases are currently proceeding. Second, their cases have been put on an expedited schedule, thus hindering their ability to prepare and present their cases effectively. Third, inadequate space has been provided in the detention centers for asylum-seekers to meet with their attorneys, thus undermining the ability of attorneys to interview their clients.

On behalf of the U.S. Conference of Catholic Bishops' Committee on Migration, I ask that you direct the immigration judges handling these cases to grant all reasonable requests for continuances so that the detainees and their attorneys have an opportunity to prepare their cases. Pro bono attorneys representing these detainees have consistently had their requests for twelve week continuances denied and, instead, been granted much shorter continuances or denied a continuance altogether. Considering the number of detainees in need of representation and the shortage of attorneys, continuances of twelve weeks are more than reasonable and should be granted.

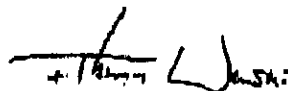
We also ask that you instruct the Executive Office for Immigration Review (EOIR) to redouble its efforts to find pro bono attorneys to represent this population. EOIR's efforts to reach out to legal organizations and immigration advocacy groups through a letter from its Pro Bono Program are commendable, but many Haitian detainees remain unrepresented.

Finally, while we press for release of these asylum seekers, in cases where they continue to be detained, adequate facilities must be provided for them to meet with their attorneys to participate in the preparation of their cases.

On December 19th, I, along with Cardinal Theodore McCarrick, Archbishop of Washington, met with you in Washington to discuss several matters, including immigration. We appreciated your responsiveness to our requests during that meeting and your expressed willingness to hear our concerns on future issues. In that spirit, I ask that you direct INS to release Haitians in detention as soon as possible.

Thank you for your consideration of our views.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas Wenski".

Most Reverend Thomas G. Wenski
Auxiliary Bishop of Miami
Chairman, USCCB Committee on Migration



Miami-Dade Legislative Item

File Number: 021139

File Number: 021139	File Type: Resolution	Status: Adopted
Version: 0	Reference: R-306-02	Control:
File Name: ALT FACILITIES TO HOUSE FEMALE I.N.S. DETAINEES AT TGK		Introduced: 4/18/2002
Requester: NONE	Cost:	Final Action: 3/26/2002
Agenda Date: 3/26/2002 Agenda Item Number: 712B		

Notes: THIS IS FINAL VERSION AS ADOPTED.
(also see 020854)

Title: RESOLUTION DIRECTING THE COUNTY MANAGER TO INVESTIGATE AND REPORT TO THE BOARD OF COUNTY COMMISSIONERS AS TO ALTERNATIVE FACILITIES FOR HOUSING FEMALE I.N.S. DETAINEES WHO ARE PRESENTLY HELD AT THE T.G.K. COUNTY JAIL FACILITIES; AND FURTHER DIRECTING THE COUNTY MANAGER NOT TO RENEW THE AGREEMENT WITH I.N.S. TO HOUSE SUCH DETAINEES UNTIL AFTER THE SUBMITTAL AND CONSIDERATION OF THE REPORT BY THE BOARD OF COUNTY COMMISSIONERS

Indexes: JAIL	Sponsors: Dr. Barbara Carey-Shuler
IMMIGRATION	Jimmy L. Morales
INMATES	Natacha Seijas
	Katy Sorenson

Sunset Provision: No	Effective Date:	Expiration Date:
Registered Lobbyist: None Listed		

Legislative History

Acting Body	Date	Agenda Item	Action	Sent To	Due Date	Returned	Pass/Fail
Board of County Commissioners	3/26/2002		Adopted as amended				P

Legislative Text

TITLE

RESOLUTION DIRECTING THE COUNTY MANAGER TO INVESTIGATE AND REPORT TO THE BOARD OF COUNTY COMMISSIONERS AS TO ALTERNATIVE FACILITIES FOR HOUSING FEMALE I.N.S. DETAINEES WHO ARE PRESENTLY HELD AT THE T.G.K. COUNTY JAIL FACILITIES; AND FURTHER DIRECTING THE COUNTY MANAGER NOT TO RENEW THE AGREEMENT WITH I.N.S. TO HOUSE SUCH DETAINEES UNTIL AFTER THE SUBMITTAL AND CONSIDERATION OF THE REPORT BY THE BOARD OF COUNTY COMMISSIONERS

BODY

WHEREAS, Miami-Dade County presently has an agreement with the United States Immigration and Naturalization Services ("I.N.S.") to house female I.N.S. detainees at the County's Turner, Gilford, Knight jail facilities ("T.G.K."); and

WHEREAS, the County's jail facilities and operations were not designed to meet the detention needs of immigration detainees; and

WHEREAS, due to the security requirements for operating a jail facility the female I.N.S. detainees who are being housed at T.G.K., many of whom are being held for matters solely relating to their immigration status, are being subjected to many of the same constraints and regulations applicable to the regular inmate population, which may be inappropriate and otherwise not required by their immigration status; and

WHEREAS, the security constraints and restrictions imposed upon the female I.N.S. detainees who are being detained at T.G.K. are more restrictive than those imposed upon male detainees being held at the I.N.S. Krome detention facility; and

WHEREAS, all parties are interested in locating housing facilities that are commensurate with the non-criminal immigration status of these women; and

WHEREAS, it is the desire of the Board of County Commissioners to work cooperatively with the I.N.S. to find alternative facilities that are more appropriate to the immigration status of these women; and

WHEREAS, under no circumstances is it the intention of the Board of County Commissioners to have the women moved outside of Miami-Dade County or to another jail-like facility,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board directs the County Manager to work together with the I.N.S. to investigate other potential sites in Miami-Dade County as alternative detention facilities for housing the female detainees at T.G.K. which are more suitable to their immigration detainee status. Within forty-five (45) days from the date of this resolution the County manager shall submit a report to the board identifying such alternate facilities, the estimated costs to acquire, staff and otherwise render them suitable for the housing and security needs of the female I.N.S. detainee population that is presently being housed at the County's T.G.K. jail facilities.

The County Manager is further directed not to renew or extend any agreements with the I.N.S. for the housing of female detainees in any of the County's jail facilities, until after the submittal and consideration of the above-required report by the Board of County Commissioners.

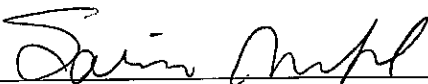
DECLARATION OF SARNIA MICHEL

1. My name is Sarnia Michel and I am a paralegal at the Miami office of the Florida Immigrant Advocacy Center, Inc. (FIAC). I am fluent in Creole and I assist FIAC's Haitian clients in detention in Miami.
2. I have noted a significant increase in delays in gaining access to FIAC's clients at Turner Guilford Knight (TGK) and Krome in recent weeks.
3. At TGK, we have to be escorted upstairs to the INS detainee's pod by a Correctional Officer. The amount of time I have to wait for an escort to accompany me to the detainees' pod has increased in the past few weeks. Currently, I must wait forty-five minutes to an hour just for an escort.
4. On March 20, 2001, for example, a law student and myself had to wait approximately one hour before we finally got an escort to take us to our clients. I was told that this was due to the fact that they were conducting a head count and that they were changing shifts but the count happens at different hours of the day and I am never sure when it will take place. It usually lasts at least an hour and happens in the afternoon.
5. That same day (March 20, 2001) when the student and I were ready to leave TGK, we again had to wait for a long period of time before a guard came to escort us back downstairs. The wait was so long that I had to go to the detainees' pod and ask the officer on duty to let me use their restroom.
6. On March 28, 2001, I again had to wait forty-five minutes to be escorted to the detainees' pod.
7. When I got to the attorney interview room, many Haitian detainees tried to speak to me regarding their cases but were prevented from doing so by the officer on duty. The officer stated that they were not allowed to speak to me since their names were not on my visitation list. Two of these Haitian women were practically thrown out of the attorney visitation room by the officer on duty, which prevented me from getting much needed information from them. However, it is my understanding that according to an agreement between the Captain at TGK and FIAC, if additional detainees in need of help need to meet with us while we're upstairs in the women's pod, we can simply add their names to the pink slip since we provide free legal services.
8. Another issue is that I have been asked many times for additional identification when only two forms of ID are required. I always carry two forms of ID and at times this has been sufficient and at other times it has not. I do not know why I am told that another one is needed such as FIAC identification.
9. I am also very concerned about the manner in which the Haitian detainees are treated by a few officers. The harshness with which they are spoken to really troubles me. Many if not all of the women I have spoken to are really depressed because they are being treated like criminals in a maximum security jail and have no idea when, if ever, they will be released. This makes it very difficult for our clients to be able to concentrate on their asylum cases.

10. I feel that I cannot properly help these women because of all these barriers that I continually come across. The atmosphere at the Turner Guilford Knight makes it very difficult for me to work efficiently. The situation is truly frustrating.
 11. I have also encountered many problems at Krome Detention Center in attempting to assist our clients. For example, I have had to wait at least an hour every time before being able to meet with my clients. And then, after I am finally taken to the attorney interview room, an INS officer would either not bring me the right client or just tell me that the client could not be found. This happened with my clients three or four times.
 12. On several occasions, March 28, 2001 for instance, I waited almost three hours to see a client at Krome before I finally had to leave without seeing him due to other appointments. The officer said that this was due to the fact that they had a head count, a recount, and then they had to do a face to face count. Many times I have ended up waiting several hours at Krome and have had to leave without seeing my clients.
 13. Several clients at Krome are constantly complaining about the INS officers' attitude towards them, stating that the Haitian detainees are unnecessarily mistreated when officers yell at them and at times even physically abuse them.
 14. What concerns me the most is that all of the detainees seem to be showing signs of depression from being locked up for such a long time under the circumstances I just described. Due to their depression, it is very difficult for me to effectively work with them and assist them with case preparation. And most importantly, the lack of proper access to our clients is alarming, especially since so many of the Haitian asylum seekers need legal help immediately.
-

I hereby swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: March 29, 2002
Miami, FL


Sarnia Michel



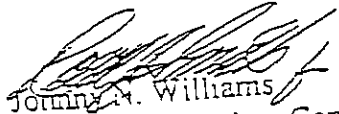
Office of the Executive Associate Commissioner

425 I Street NW
Washington, DC 20536

APR 5 2002

MEMORANDUM FOR REGIONAL DIRECTOR
EASTERN REGION

FROM:


Jonathan N. Williams
Executive Associate Commissioner
Office of Field Operations

SUBJECT:

Parole of Haitians Arriving by Regular Means at a Designated Port of Entry in
South Florida

Inadmissible Haitians who arrive by regular means at a designated port of entry in South Florida and establish credible fear of persecution or torture, should be considered for parole on a case by case basis. This consideration shall take into account whether the continued detention of any migrant would cause unusual hardship and will be conducted under the following enhanced procedures for scrutinizing each alien's likelihood to appear. These enhanced procedures shall include steps such as interviewing potential sponsors, physically verifying residences and addresses, and requiring sworn affidavits of support from sponsors. Additionally, you should impose conditions on parole designed to ensure the aliens' appearance at their immigration proceedings, such as reporting requirements and be prepared to apprehend and detain those who fail to appear for a hearing date or violate a condition of parole.

6 00024



U.S. Department of Justice
Immigration and Naturalization Service

ERODRO 50/14.6-P

Office of the Regional Director

Eastern Regional Office
70 Kimball Avenue
South Burlington, VT 05403

APR 05 2002

MEMORANDUM FOR JOHN M. BULGER
ACTING DISTRICT DIRECTOR
MIAMI DISTRICT

FROM: J. Scott Blackman
Regional Director

SUBJECT: Procedures for Paroling Haitians Arriving by Regular Means at a Designated Port of Entry in South Florida

The following procedures will be used when considering parole for inadmissible Haitians who arrive by regular means at a designated port of entry in South Florida and establish credible fear of persecution or torture:

1. Potential sponsors will be identified and interviewed prior to parole authorization. Interviews will be documented in the alien's file.
2. Prior to the interview, potential sponsors will be notified of the need to provide an affidavit of support. An approved sponsor must provide a completed affidavit of support.
3. Prior to parole authorization, a computer check of all intended residences will be performed. If an address does not appear as confirmed, the district office Detention and Removal personnel will physically verify the address prior to release. Under no circumstances will an alien be released without a confirmed address.
4. An alien who is paroled must report to the office nearest their intended place of residence within two weeks after being paroled. The alien will be served a G-56 prior to release. Affixed to the G-56 will be the alien's picture and fingerprint. Specific parole conditions will be attached to the G-56 on every alien under this special class. A Deportation Officer from Krome or TGK will inform the appropriate office of all releases. After the initial reporting requirement has been met, a reporting requirement of every 30-90 days until the end of the hearing process may be set.

Memorandum for: John M. Bulger
Subject: Procedures for Paroling Haitians Arriving by Regular Means at a Designated Port of Entry in South Florida

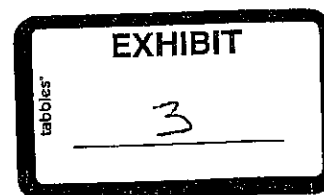
5. Any alien that does not report as directed, appear for their hearing date, or comply with the conditions of their parole, will be apprehended and detained. This will be accomplished using available Fugitive Alien Apprehension Unit resources.
6. An alien will not be released to a sponsor or other individual illegally in the United States.
7. The identity and potential disqualifying criminal history of all aliens being considered for parole will be checked in the following databases: TECS, CIS, NCIC (with fingerprints), DACS, IDENT, NIS and NAILS. The computer checks will be documented in the alien file.

Attachment

DECLARATION OF CHERYL LITTLE

1. My name is Cheryl Little. I am the Executive Director of the Florida Immigrant Advocacy Center (FIAC).
2. I submit this declaration to update my prior declaration submitted on March 15, 2002 contained in Petitioners' Notice of Filing Exhibits in Support of Motion for Temporary Restraining Order and/or Preliminary Injunction and Class Writ of Habeas Corpus and Motion for Class Certification.
3. Since March 15, 2002, attorney access to Haitian asylum seekers detained in Miami has deteriorated significantly.
5. Despite my office's efforts and the efforts of the Executive Office for Immigration Review at recruiting *pro bono* attorneys to represent the Haitians, very few attorneys have come forward to take cases. As a result, the Haitians are proceeding forward without counsel on the merits hearings of their asylum cases, thereby dramatically reducing their chances of prevailing on their claims.
6. Even in cases in which the detainee is getting assistance, the lack of adequate visitation space, undue delays in meeting with detainees, and recent restrictions in visitation hours make it extremely difficult for attorneys and law students to prepare the detainees' cases.
6. Over the last few weeks, law students have traveled to Miami in order to help the Haitians prepare their asylum cases. The attached declarations document their difficulties in helping the Haitians. See Declarations of Susan Wall Ylitalo, Sam Cheung and Deborah Lee.
7. Since March 15, 2002, my staff have also reported numerous barriers to assisting the Haitian detainees at Krome Service Processing Center, the Turner Guilford Knight Correctional Center, and hotel. See Declarations of Jack Wallace, Charlotte Newhouse-al Sahli, and Sarnia Michel.
15. Despite the numerous obstacles encountered by my staff in trying to meet with their clients, immigration judges have denied my staff continuances that would allow them to prepare their clients' asylum cases.


CHERYL LITTLE 4/12/02
DATE



DECLARATION OF CHARLOTTE NEWHOUSE AL-SAHLI

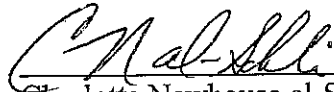
1. My name is Charlotte Newhouse al-Sahli and I am the Detention Advocacy Coordinator at the Miami office of the Florida Immigrant Advocacy Center, Inc. (FIAC). I regularly visit detention facilities in Miami to work with FIAC's clients in detention.
2. I have noted a significant increase in delays in gaining access to FIAC's clients at Krome, Turner Guilford Knight (TGK), and the Hotel in recent weeks. In the past few weeks, delays of an hour to an hour and a half in waiting for a client to be brought to attorney visitation at Krome have been typical.
3. At TGK, where most of FIAC's female Haitian clients are detained, delays are further complicated by frequent changes in policy regarding identification to enter.
4. For example, on Thursday, March 15, 2002, my entry to TGK was delayed because the officer claimed that my letter requesting access to TGK, my driver's license and passport were not enough identification for me to enter. Although I was able to talk with the officer and eventually allowed to enter, the delay was senseless because I have used the same pieces of identification to enter TGK for many months.
5. Also, on Thursday, March 21, 2002, I received a call from a law student and volunteer interpreter at TGK at about 11am. The student had been to TGK on the previous day. I had personally faxed a letter requesting access for the volunteer interpreter, Merrie Archer, on Monday, March 18, 2002. TGK has asked us to fax such letters 24 hours in advance. I faxed Ms. Archer's letter four days in advance. However, upon entry, the officers claimed they could not find Ms. Archer's letter. When the student and interpreter called me at 11:00 am, they said they had already been waiting for some time. I called TGK Administration and was put on hold and transferred to at least three different individuals over approximately 20 to 25 minutes before I was disconnected. Another FIAC staff person, Sharon Ginter, faxed additional copies of the letter to TGK. We remained in contact with TGK until at about 12:45 pm, Ms. Ginter was told that they had found the original letter and the student and interpreter had been permitted to enter. Thus, rather than spending time preparing our clients for their hearings, two FIAC staff persons, a student and a volunteer interpreter wasted hours dealing with the access procedure at TGK.
6. On Wednesday, March 27th, 2002, all of FIAC's Creole speaking staff were at Krome. We had to relay an important message to a female detainee at TGK who had a hearing on Friday, March 29th, 2002. I called the asylum seekers' pod at TGK and requested the officer to please tell the detainee to call our office, which they can do for free on a preprogrammed phone because we are a non-profit agency. The officer responded, "Do you accept collect calls?" I explained again that I was calling from the Florida Immigrant Advocacy Center and the women could call us without charge. The officer politely said she didn't know anything about that, and referred me to the INS Deportation Officer (DO) at TGK. I called the DO who also did not seem to know that the women were allowed to do this. However, she said that although she does not take messages for detainees she would give the detainee the message this time. The detainee never called our office on Wednesday. On Thursday, March 28th,

2002, a FIAC paralegal went to TKG to speak with the detainee who said she did not know how to use the phone to call. On Friday, March 29th, 2002, when this same detainee did call, the phone cut off after about a minute.

7. At TKG, FIAC is prevented from speaking to detainees whenever we are already in the women's units meeting with clients and additional clients request to see us. While the Captain of TKG has assured FIAC in the past that we can simply add the names of these women to the list of detainees we have requested to visit while we are in women's unit, most officers claim they are unfamiliar with this decision. Therefore, if another client asks to speak with me while I am in the unit, I either cannot speak with her, or must wait to be escorted back downstairs to add her name to the list and then wait again to be escorted back up to the women's unit. The wait for an escort, as previously mentioned, can be up to an hour.
8. I have recently been unable to make copies at TKG. Last year, I was allowed once to make copies for a FIAC client by using a copier machine in the medical unit. Since the Haitians have arrived, however, I have had to gather the women's original documents at TKG, take them to the FIAC office to make copies, then return to TKG to redistribute the women's documents.

I hereby swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: 4/13/02
Miami, FL


Charlotte Newhouse al-Sahli

UNITED NATIONS
HIGH COMMISSIONER
FOR REFUGEES



NATIONS UNIES
HAUT COMMISSARIAT
POUR LES REFUGIES

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15 April 2002

BY FACSIMILE (305-576-6273) & FIRST CLASS MAIL

Rebecca Sharpless, Esq.
Florida Immigrant Advocacy Center
3000 Biscayne Boulevard, Suite 400
Miami, FL 33137

Re: Request for Advisory Opinion on Detention of Asylum Seekers

Dear Ms. Sharpless:

I am writing in response to your request for an advisory opinion from the Office of the United Nations High Commissioner for Refugees ("UNHCR") on certain aspects of the current practice of detention of asylum seekers by the Immigration and Naturalization Service ("INS"). Specifically, you requested that UNHCR address the following issues: 1) whether international standards permit a State to use detention of asylum seekers as a means of deterring future refugee flows or as a response to their manner of entry, and 2) whether a policy of detaining asylum seekers of a particular nationality while releasing asylum seekers of other nationalities violates international standards.

UNHCR has been formally mandated by the United Nations General Assembly to ensure international protection to refugees and other persons of concern and to assist governments in identifying and implementing durable solutions on their behalf.¹ The detention issues presented affect the treatment of asylum seekers in the United States and their access to the US asylum process and, therefore, relate directly to UNHCR's mandate.

¹ The General Assembly established the Office of UNHCR as of 1 January 1951. See Statute of the Office of the United Nations High Commissioner for Refugees, U.N.G.A. Res. 428(V), 14 Dec. 1950; Executive Committee Conclusion No. 46 (1987) (reiterating UNHCR's leading role in refugee protection, including detention issues).

The United States is a State party to the 1967 Protocol relating to the Status of Refugees (the "1967 Protocol").² As such, the United States is bound by the 1967 Protocol and the substantive provisions of the 1951 Convention relating to the Status of Refugees ("1951 Convention").³ The United States has agreed to uphold international refugee protection standards and to cooperate with UNHCR in the exercise of its functions and its duty of supervising the application of the provisions of the 1951 Convention and its 1967 Protocol.⁴

UNHCR's governing body is the Executive Committee of the High Commissioner's Programme. The Executive Committee is comprised of 57 members, including the United States. In the exercise of its terms of reference, the Committee adopts Conclusions on International Protection addressing particular aspects of international protection. While the Conclusions are not formally binding, they represent elements relevant to the interpretation and application of the international refugee protection regime. Conclusions of the Committee constitute expressions of opinion which are broadly representative of the views of the international community. The specialized knowledge of the Committee and the fact that its conclusions are reached by consensus adds further weight.

UNHCR appreciates the opportunity to comment on the questions you have raised. The detention of asylum seekers and access to the asylum process are issues of significant concern to UNHCR. In this regard, we present below international refugee law standards relating to the detention of asylum seekers, the use of detention as a deterrent, as well as the use of detention based on national origin.

I. *Asylum Seekers Should Not be Detained*

Detention of asylum seekers is inherently undesirable as it can have a significant impact on their ability to access the asylum process and can be a traumatizing experience. Detention may make it more difficult for asylum seekers and refugees to secure legal counsel, communicate with family members and access legal materials and interpreters to assist in preparing their claims. These obstacles particularly affect vulnerable groups such as single women, children, unaccompanied minors and those with special medical or psychological needs. Many asylum seekers may have endured torture or trauma in their home countries and detention could easily cause further mental suffering.

Under international refugee law, asylum seekers should not be detained except when it is absolutely necessary. Article 31(1) of the 1951 Convention provides:

² The 1967 Protocol relating to the Status of Refugees, *adopted* 31 Jan. 1967, *entered into force* 4 Oct. 1967, 606 U.N.T.S. 267 (1967). The United States acceded to the Protocol in 1968.

³ The 1951 Convention relating to the Status of Refugees, *adopted* 28 July 1951, *entered into force* 22 Apr. 1954, 189 U.N.T.S. 137 (1951). Article I(1) of the 1967 Protocol incorporates by reference Articles 2 through 34 of the 1951 Convention.

⁴ 1967 Protocol, Article II.

The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of Article 1, enter or are present in the territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.

As Contracting States (including the United States) and UNHCR's Executive Committee have long recognized, it is likely that refugees may need to resort to illegal means to flee from persecution, which should not result in them being subject to penalties by the country of asylum.⁵ Further to Article 31 of the 1951 Convention, UNHCR's Executive Committee has concluded that asylum seekers who have been admitted to a country for a refugee status determination must "not be penalized or exposed to any unfavourable treatment solely on the ground that their presence in the country is considered unlawful."⁶ Article 31(2) also provides, *inter alia*, that States shall not apply restrictions to the movements of refugees "other than those which are necessary." Thus, international standards preclude the detention of asylum seekers due to their unlawful entry into the country.

In view of the hardship of detention and its inherent undesirability, the Executive Committee has identified only four instances when detention may be "necessary," as follows:⁷

- (i) to verify identity;
- (ii) to determine the elements on which the claim for refugee status or asylum is based;
- (iii) to deal with cases where refugees or asylum seekers have destroyed their travel and/or identity documents or have used fraudulent documents in order to mislead the authorities of the State in which they intend to claim asylum; or
- (iv) to protect national security or public order.⁸

⁵ Executive Committee Conclusion No. 58(XL) (1989) ("[C]ircumstances may compel a refugee or asylum seeker to have recourse to fraudulent documentation when leaving a country in which his physical safety or freedom are endangered."); UNHCR, *Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees* (1992) ("Handbook"), ¶ 196 ("In most cases a person fleeing from persecution will have arrived with the barest necessities and very frequently without personal documents."); UNHCR, "Detention of Asylum Seekers and Refugees: the Framework, the Problem and Recommended Practice," a Conference Room Paper for the Standing Committee, EC/49/SC/CRP.13, 4 June 1999 ("UNHCR Note on Detention"), ¶ 15 ("[T]he very circumstances which prompt the flight may compel an asylum-seeker to leave without documents or to have recourse to fraudulent documentation when leaving a country where his/her safety or freedom is endangered.").

⁶ UNHCR Executive Committee Conclusion No. 22, (II)(B)(2)(a)(1981).

⁷ UNHCR Executive Committee Conclusion No. 44 (1986). See also, *UNHCR's Guidelines on Applicable Criteria and Standards relating to the Detention of Asylum Seekers* (10 February 1999) ("UNHCR's Detention Guidelines"), ¶ 1, 3 (stating that as a general rule, asylum seekers should not be detained.).

⁸ *Id.*

The Executive Committee has reiterated, in subsequent Conclusions, the need to resort to the detention of asylum seekers only in exceptional circumstances, as well as the need to prevent arbitrary detention.⁹

UNHCR's Guidelines on Applicable Criteria and Standards relating to the Detention of Asylum Seekers ("UNHCR's Detention Guidelines") provide additional guidance regarding the application of these limited exceptions. The exception regarding verifying identity should be used only in cases in which identity may be undetermined or in dispute. In determining the elements of the claim, States should detain asylum seekers only for purposes of undertaking a preliminary interview and not for the entire time it may take to make a determination on the merits.¹⁰

In cases in which asylum seekers arrive with false or no documents, detention is justified only when there is an intention to mislead or a refusal to cooperate with the authorities. Asylum seekers who arrive without documentation, because they are unable to obtain any in their country of origin, should not be detained solely for that reason. The final exception should be used only if there is evidence that an individual asylum seeker has criminal antecedents and/or affiliations and is likely to pose a risk to public order or national security.¹¹

If it is determined that one of the limited exceptions applies to a particular case, detention should be used only for a minimal period of time.¹² Alternatives to detention, such as reporting obligations or guarantor requirements, should be used *first*, unless it is determined that they would not be effective for that individual.¹³

II. *Detention Used as a Deterrent is Contrary to International Standards and Would Amount to Arbitrary Detention*

Pursuant to Article 14 of the Universal Declaration of Human Rights, everyone has the right to seek and to enjoy asylum. This is a fundamental human right.¹⁴ The right to seek asylum has been repeatedly acknowledged in various international fora, including through Conclusions of UNHCR's Executive Committee and resolutions of the Commission on Human Rights, the Sub-Commission on the Promotion and Protection of Human Rights, and the General Assembly.¹⁵

⁹ See Executive Committee Conclusions Nos. 46(f) (1987); 47(e) (1987); 50 (i) (1989), 55(g) (1989), 65(c), (j) (1991); 71(f) (1993); 85(cc), (dd), (ee) (1998); and 89 (2000).

¹⁰ *UNHCR's Detention Guidelines*, Guideline 3.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.* (emphasis in original).

¹⁴ Universal Declaration of Human Rights, U.N.G.A. Res. 217A(III), adopted 10 Dec. 1948 ("UDHR"), Article 14 ("Everyone has the right to seek and to enjoy in other countries asylum from persecution."); UN Declaration on Territorial Asylum, U.N.G.A. Res. 2312(xxii), adopted 14 Dec. 1967, Preamble and Article 1; Vienna Declaration and Programme of Action, World Conference on Human Rights, A/Conf. 157/23, adopted on 25 June 1993, Article 23; Charter of Fundamental Rights of the European Union 2000/C 364/01, Article 18.

¹⁵ See, e.g., Executive Committee Conclusion No. 82(XLVIII) (1997); Committee for Human Rights Resolution (Human Rights and Mass Exodus), E/CN.4/RES/1998/49; Sub-Commission on the Promotion

The right to seek asylum is predicated on the ability to leave one's country, or to remain outside it, in order to avoid the risk of persecution. A State's practice of deterring further arrivals of asylum seekers through the use of detention frustrates the ability of individuals to escape harm and seek safety elsewhere. UNHCR has repeatedly stated that asylum seekers should not be detained for purposes of deterrence.¹⁶ The detention of asylum seekers in furtherance of a policy to deter future arrivals does not fall within any of the exceptional grounds for detention and is contrary to the principles underlying the international refugee protection regime.¹⁷ As discussed above, while in some limited instances, detention may be justified for national security or public order reasons, detention for the purpose of discouraging further arrivals cannot be justified.¹⁸

Moreover, the right to liberty is a fundamental human right set out in universal human rights instruments. The Universal Declaration of Human Rights¹⁹ and the International Covenant on Civil and Political Rights ("ICCPR")²⁰ specify that no one should be arbitrarily deprived of his or her liberty. According to the Human Rights Committee ("HRC"), the term "arbitrary" is to be given a broad application which is not to be equated with "against the law."²¹ In a landmark decision concerning a Cambodian asylum-seeker in Australia, the HRC determined that:

... detention should not continue beyond the period for which the State can provide appropriate justification. For example, the fact of illegal entry may indicate a need for investigation and there may be other factors

and Protection of Human Rights (Freedom of Movement and Population Transfer), E/CN.4/SUB.2/Res/1997/29; and U.N.G.A. Res. A/RES/51/75, 12 Feb. 1997.

¹⁶ *UNHCR's Detention Guidelines*, Guideline 3 ("Detention of asylum-seekers...as part of a policy to deter future asylum-seekers, ... is contrary to the norms of refugee law"); UNHCR Executive Committee, Note on International Protection (A/AC.96/643), 9 Aug. 1984, ¶ 29 (while detention may be justified both with regard to individual asylum seekers or a large-scale influx, this is not the case where asylum seekers are detained with the sole object of discouraging further arrivals). See also, Global Consultations on International Protection, Geneva Expert Round Table, 8-9 November 2001, Summary Conclusions on Article 31 of the 1951 Convention relating to the Status of Refugees – Revised, ¶ 11(c) ("Refugees and asylum seekers should not be detained ... for purposes of deterrence.").

¹⁷ UNHCR Executive Committee, Note on International Protection (A/AC.96/643), 9 Aug. 1984, ¶ 29 (while detention may be justified both with regard to individual asylum seekers or a large-scale influx, this is not the case where asylum seekers are detained with the sole object of discouraging further arrivals); *UNHCR's Detention Guidelines*, Guideline 3 ("Detention of asylum-seekers ... applied for purposes other than those listed above, for example, as part of a policy to deter future asylum-seekers, ... , is contrary to the norms of refugee law.").

¹⁸ *Id.*

¹⁹ UDHR, Article 9 ("No one shall be subjected to arbitrary arrest, detention or exile.").

²⁰ International Covenant on Civil and Political Rights, adopted 19 Dec. 1966, entered into force 23 Mar. 1976, U.N.G.A. Res. 2200A (XXI), UN Doc. A/6316 (1966) ("ICCPR"), Article 9 ("Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.") The United States ratified the ICCPR on 8 June 1992.

²¹ In addition, the United Nations Working Group on Arbitrary Detention issued a set of ten principles which bring together the main criteria for determining whether or not the deprivation of liberty of asylum-seekers and immigrants may be arbitrary. "Report of the Working Group on Arbitrary Detention," E/CN.4/2000/4, 28 Dec. 1999.

particular to the individual such as the likelihood of absconding and lack of cooperation, which may justify detention for a period. Without such factors detention may be considered arbitrary, even if entry was illegal...²²

UNHCR has also provided guidance on when the detention of asylum seekers becomes arbitrary:

Detention of asylum-seekers may be considered to be arbitrary if: it is not in accordance with the law; if the law itself allows for arbitrary practices, or is enforced in an arbitrary way; when it is random or capricious or not accompanied by fair and efficient procedures for its review . . . if it is disproportionate, or indefinite . . . For detention not to be arbitrary it should be prescribed by a law that is sufficiently accessible and precise, and it should not include elements of inappropriateness or injustice.²³

UNHCR has further articulated that detention of asylum seekers and refugees is arbitrary when:

... they are detained for insufficient reasons, without an adequate analysis of their individual circumstances, without a meaningful opportunity to have their cases reviewed by an independent body, in the absence of an adequate legal framework, or for disproportionate or indefinite periods.²⁴

In accordance with international human rights law, as well as international refugee protection standards, a relationship is required between the use of detention and the ends to be achieved. Therefore, in each case, there must be an individualized analysis of the need to detain a particular individual.²⁵ As UNHCR has noted, States should not detain an entire group of asylum seekers on the formal basis that they are likely to abscond prior to a determination of their asylum claims.²⁶ Even if the State's national law allows for detention when an individual is likely to abscond, "international standards dictate that there must be some substantive basis for such a conclusion in the individual case."²⁷ There should be a compelling need to detain that is based on the personal history of each individual asylum seeker.²⁸ Therefore, when detention is used as a deterrent to other asylum seekers, such detention is arbitrary, as deterrence is an inappropriate goal and insufficient reason for detention.

²² See *A. v. Australia*, Communication No. 560/1993, UN Doc. CCPR/C/59/D/560/1993, 30 Apr. 1997.

²³ UNHCR Note on Detention, ¶ 25.

²⁴ *Id.*

²⁵ UNHCR Note on Detention, ¶ 14 ("International standards dictate that there must be some substantive basis" in each individual case for a conclusion that an individual will not appear for his or her hearings.).

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.* at ¶ 26.

III. *The Detention of Asylum Seekers based on their National Origin is Discriminatory and Constitutes Arbitrary Detention*

Under Article 2(1) of the ICCPR, State Parties must ensure to all within their territories the rights recognized in the ICCPR “without distinction of any kind, such as race, colour, . . . national or social origin . . .” This includes the aforementioned Article 9 of the ICCPR, that is, the right to liberty. Subjecting individuals to detention based on their national origin is also contrary to Article 3 of the 1951 Convention, which obligates Contracting States to apply the provisions of the Convention to refugees “without discrimination as to race, religion or country of origin.”²⁹

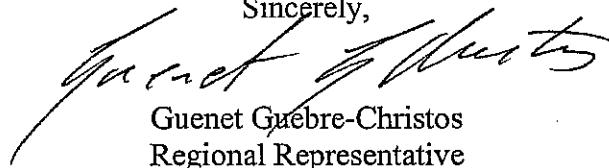
The detention of asylum seekers based on their national origin is therefore discriminatory and would constitute arbitrary detention.

IV. *Conclusion*

The practice or policy of using detention as a means of deterring asylum seekers from seeking protection in any given country or to penalize asylum seekers for their unlawful entry is contrary to the norms and principles of international refugee law. Detention is arbitrary when asylum seekers of a particular national origin are subject to more restrictive criteria for release from detention than those of other nationalities. Detention is also arbitrary if the decision to detain lacks an individualized analysis of the reasons for detention.

We hope this opinion provides helpful guidance to the US court considering these issues.

Sincerely,



Guenet Guebre-Christos
Regional Representative

²⁹ See also, 1966 International Covenant on Economic, Social and Cultural Rights, *adopted* 16 Dec. 1966, *entered into force* 3 Jan. 1976, U.N.G.A. Res. 2200A (XXI) (1966), Article 2(2); International Convention on the Elimination of All Forms of Racial Discrimination, *adopted* 21 Dec. 1965, *entered into force* 4 Jan. 1969, U.N.G.A. Res. 2106 (XX) (1965); Convention on the Elimination of All Forms of Discrimination Against Women, *adopted* 18 Dec. 1979, *entered into force* 3 Sept. 1981, U.N.G.A. Res. 34/180; and Convention on the Rights of the Child, *adopted* 20 Nov. 1989, *entered into force* 20 Sept. 1990, U.N.G.A. Res. 44/25, U.N. Doc. CRC/C/97 (1989), Article 2.

DECLARATION OF MARLEINE BASTIEN

I, Marleine Bastien, state the following under penalty of perjury:

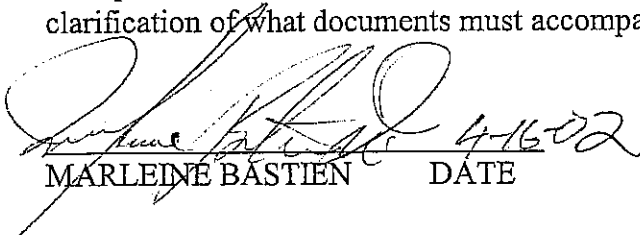
1. My name is Marleine Bastien. I am the executive director of Fanm Ayisyen Nan Miyami (FANM), a nonprofit organization whose mission is to facilitate the adjustment of Haitian women and their families to South Florida and to empower them socially, economically, and politically. I am a licensed clinical social worker.
2. Through my work with FANM, I have had considerable contact with the Haitian asylum seekers detained by the Immigration and Naturalization Service (INS) at Krome Service Processing Center (Krome), the Turner Guilford Knight Correctional Center (TGK), and the hotel. I have also had considerable contact with the families and friends of the detainees.
3. I am gravely concerned about the mental health state of many of the detained Haitian asylum seekers. I have observed that many of the detainees have a deep sense of hopelessness and helplessness and exhibit serious signs of depression. One female detainee expressed suicidal ideation to me. She told me that she felt humiliated and dehumanized by her experience at TGK, including the strip searches to which she was subjected. Many of the detainees expressed feelings of being discriminated against due to their skin color. They kept asking me why they were detained while white detainees were being released. Many felt that they have been forgotten by the outside world.
4. I am particularly concerned about the conditions in which the female Haitian asylum seekers are being held at TGK. At TGK, the women are kept in a confined environment with extremely limited access to recreation and exercise activities. Their health care concerns and needs are routinely minimized and denied. The detainees have also expressed that the food is horrible and that they have difficulty visiting with and having contact with family members. Because most of the women do not have any money, they have no way to purchase the expensive phone cards sold by TGK. As a result, the women are essentially cut-off from any support system that they might have.
5. I am aware that the INS recently changed its policy and can now release Haitian asylum seekers who arrive at the airport but that INS is still not releasing Haitian asylum seekers who arrive by boat. The INS, however, continues to subject the Haitians who arrive by airplane to requirements not applied to asylum seekers of any other nationalities. The INS has informed me that, in order to be released, Haitians must have their sponsors submit affidavits of support with considerable supporting documentation. To my knowledge, an affidavit of support has never before been required in order for an asylum seeker to be released from detention. Even now, asylum seekers of other nationalities are not required to have sponsors complete the affidavit of support in order to be released from detention. The affidavit of support is therefore a requirement for release that only applies to Haitians.
6. I am further concerned that the instructions for what documentation is required with the affidavit of support is not clear and is constantly changing, thereby placing an even greater

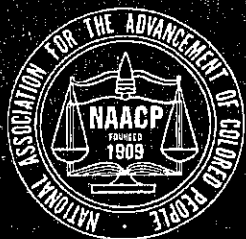
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obstacle in the way of Haitians being released from detention. On Friday, April 12, 2002, I organized a meeting between several immigration advocates for Haitians and INS officials John Schewary and Yvette Rodriguez to discuss the situation of the detained Haitian asylum seekers. At this meeting, I and others expressed the concern that only Haitian asylum seekers are being required to file affidavits of support and that INS was not being clear regarding what documentation was required to be attached to the affidavits. Family members were having tremendous difficulty obtaining the supporting documentation and were putting themselves at risk of being fired from their jobs as a result of taking time during the work day to track down the documents. In addition, I also brought to Mr. Schewary's attention the fact that many of the detainee's sponsors live outside of Florida and have an even more difficult task in trying to comply with the affidavit of support requirements. Mr. Schewary advised us that he had no authority to change or clarify the affidavit of support requirement but that he would advise INS headquarters of our concerns. To date, I have not been notified of any change in policy or clarification of what documents must accompany the affidavit of support.


MARLEINE BASTIEN DATE 4-16-02



Bradford Brown, Ph.D.
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1st Vice President

Loretta Pieze
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April 16, 20 2002

The Honorable John Ashcroft
US Attorney General
US Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530-0001

RE: Detained Haitian Asylum Seekers in Miami

Dear Honorable John Ashcroft:

We write to express our grave concern about Haitian asylum seekers who have been singled out for special discriminatory treatment. Since December 3, 2001, when a boatload of 167 Haitians was rescued by the Coast Guard and permitted to apply for asylum in the United States, the Immigration and Naturalization Service (INS) has refused to release the vast majority of Haitians in the Miami District who arrived by boat or plane, while routinely releasing similarly situated asylum seekers of other nationalities. All of these Haitians have already convinced Asylum Officers that they have a substantial likelihood of proving their eligibility for asylum.

Before December, 2001, Haitians and most others in Miami who passed their interviews were quickly released. Once released, they generally have about a year to find lawyers and prepare their cases. However, the cases of detained Haitians are accelerated and processed within weeks. This means that most of them go without legal representation. It is our understanding that at least three additional judges have been brought to the Krome Detention Center to handle the Haitian cases. Many hearings are scheduled for only one hour, including time for interpretation, with as many as five merits hearings scheduled in a single day. At least 50 Haitians have already been ordered removed by immigration judges, in many cases because they did not know how to complete their asylum applications.

For those few detained Haitians able to obtain counsel, their representatives report tremendous problems in attempting to prepare the Haitians' asylum cases, including waiting for hours at detention facilities just to meet with their clients and a serious lack of adequate space to conduct confidential interviews. This is especially problematic given the accelerated nature of these cases and the large number of

Haitians who are being required to go forward with their asylum cases while in detention.

It is also our understanding that for weeks attorneys wishing to help the Haitians in Miami were deliberately misled by Miami INS officials and told to submit release requests on the Haitians' behalf, despite the fact that there was a clear intent to adopt a virtual blanket detention policy. These advocates, therefore, wasted precious time doing so when they could have instead been assisting the Haitians in completing their asylum applications.

There are currently more than 270 detained Haitian asylum seekers in Miami. About 200 Haitian men are being held at the Krome Service Processing Center (Krome), and about 45 women are in INS custody at the Turner Guilford Knight Correctional Center (TGK), a maximum security county jail in Miami which has housed the female detainees since December, 2000, following allegations that Krome guards were sexually abusing the women. Approximately 30 other Haitians (generally mothers with young children) are detained at a local hotel where they have no access whatsoever to educational or recreational activities. Since the Haitians aren't being released, these facilities are terribly overcrowded. On March 9, 2002, Congressman John Conyers visited the Haitians at Krome, TGK and the hotel and found "serious deficiencies" in all three facilities. The Haitians themselves feel discriminated against and have raised serious concerns regarding their treatment while in INS detention. Attorneys say that their Haitian clients are so traumatized by the conditions of their confinement that they are often unable to focus on preparation of their asylum claims.

Despite efforts by the Executive Office of Immigration Review (EOIR) to secure pro bono attorneys for the Haitians, most are unrepresented. Unless released from detention, they will in effect be denied their day in court. Given the current deteriorating political situation and escalation of violence in Haiti, as reported by State Department and human rights groups such as Amnesty International, we are especially alarmed that decisions in these cases could be a matter of life or death.

On February 15, 2002 a class action lawsuit was filed in Miami District Court on behalf of the Haitians. In responding to the lawsuit, Acting Deputy INS Commissioner Michael Becraft claims that he authorized a change in the parole criteria for Haitians in December, 2001 in order to deter Haitians from risking their lives on the high seas.

Using the threat of detention to deter the arrival of asylum seekers is neither legally nor morally acceptable. Indeed, it appears that the INS policy is not about saving Haitian lives, but rather about keeping Haitians out, at the expense of their legal rights.

Moreover, history proves that Haitians who are desperate to flee political violence in their country will not be deterred from coming to the United States by threat of detention. These Haitians know full well the risks they undertake when they take to the high seas in flimsy boats, yet do so because their fear of remaining in Haiti is so grave.

In addition, we are aware that the U.S. interdiction policy implemented by the Coast Guard has

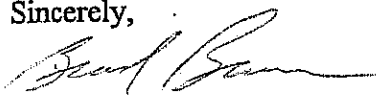
largely resulted in the prevention of most Haitian boats from arriving in the United States. While we support rescue at sea, we object to interdiction as a policy of deterrence and question why the arrival of one boatload of Haitians has triggered such an extreme response. If our Government is truly concerned about saving Haitian lives then they should attempt to ensure that those Haitians already in the United States have a fair opportunity to make their case for asylum and are afforded the same treatment and protection as other similarly situated groups.

In this era of imminent threats to U.S. national security, we believe that the INS is misusing vital resources by focusing on the deterrence of legitimate asylum seekers rather than the apprehension of those who wish us harm. Given that the INS is an agency beleaguered by multiple and conflicting mandates, now more than ever is the time for the agency to devote its attention and energy to the legitimate and urgent goal of combating terrorism.

Haitian asylum seekers come to the United States seeking refuge from persecution. They expect to be treated fairly and equally by the world's leading democracy and defender of human rights. We believe that the denial of release to Haitians is discriminatory.

We urge you to treat the Haitians as you treat other groups of asylum seekers in Miami and to release them after they pass their Asylum Office interviews so that they have a fair opportunity to find lawyers and properly prepare their immigration court cases. Failure to do so will only serve to further the perception that our Government continues to implement discriminatory immigration policies, targeting the most vulnerable among us.

Sincerely,



Brad Brown, President, Miami-Dade Branch of the NAACP on behalf of:

American Guatemalan
Association
Florida Chapter
Miami, FL

Miami, FL

Catholic Legal Immigrant
Network, Inc.
Washington, DC

Citizens & Immigrants For
Equal Justice (CIEJ)
Mesquite, TX

American Immigration
Lawyers Association
Washington, DC

Center for Human Rights &
International Justice
U.C. Hastings College of the
Law
San Francisco, CA

Coalition of Immokalee
Immokalee, FL

Asia America Law Group

Brennan Center for Justice at
NYU School of Law
New York, NY

Church World Service,
Immigration & Refugee
Program
Miami, FL

Colombian American Service
Association
Miami, FL

Detention Resource Project
Philadelphia PA

Catholic Charities Legal
Services

Episcopal Migration
Ministries
New York, NY

The Florence Immigrant &
Refugee Rights Project, Inc.
Florence, AZ

FLORIDA ACORN

Florida Immigrant Advocacy
Center, Inc.
Miami, FL

Guatemalan Immigration
Coalition, National
Miami, FL

Haitian American
Community Association of
Dade County
Miami, FL

Haitian Grassroots Coalition
Miami, FL

Haitian Women of Miami
Miami, FL

Hebrew Immigrant Aid
Society
New York, NY

Hispanic Coalition
Miami, FL

Hispanic Development
Corporation
Newark, NY

Honduran Unity
Miami, FL

Human Services Coalition
Miami, FL

Illinois Coalition for
Immigrant and Refugee
Rights
Chicago, IL

Immigrant Legal Resource

Center
San Francisco, CA

Immigrant and Refugee
Appellate Center, LLC
Alexandria, Virginia

Immigrant and Refugee
Rights Project
Washington, DC

Immigration and Refugee
Services of America
Washington, DC

Immigration Counseling
Services
Portland, OR

Immigration Law Clinic
University of Arizona
Tucson, AZ

Institute for New Americans
Minneapolis, MN

International Gay and
Lesbian Human Rights
Commission
San Francisco, CA

Justice, Peace and Ecology
Commission,
Capuchin Province of St.
Joseph
Milwaukee, WI

Lawyers Committee for Civil
Rights Under Law of Texas
San Antonio, TX

Lawyers Committee for
Human Rights
New York, New York

Loren Warboys Fellow
Youth Law Center
San Francisco, CA

Lutheran Immigration &
Refugee Service
Baltimore, MD

Massachusetts Immigrant and
Refugee Advocacy Coalition
Boston, MA

National Asian Pacific
American Legal Consortium
Washington, DC

National Coalition for
Haitian Rights
New York, NY

National Immigration Forum
Washington, DC

New York Association For
New Americans
New York

Northwest Immigrant Rights
Project
Granger, WA

Northwest Immigrant Rights
Project (NWIRP)
Seattle, WA.

Physicians for Human Rights
Asylum Network
Boston, MA

Presbyterian Church (U.S.A.)
Washington Office

PRIME - Ecumenical
Commitment to Refugees
Clifton Hts., PA

Salvadoran American
National Network
Los Angeles, CA

SanKofa
Miami, FL

Page 5

Sant La (Haitian
Neighborhood Center)
Miami, FL

St. Matthew's Immigration
Outreach Service Center
Baltimore, MD

Together In America
New York

Unite for Dignity/SEIU 1199
FLA

United Methodist Committee
on Relief (UMCOR)

U.S. Committee for Refugees
Washington, DC

Washington Lawyers'
Committee for
Civil Rights and Urban
Affairs
Washington DC

Washington Defenders
Immigration Project
Seattle, WA

Whitman-Walker Clinic
Legal Services
Washington, DC

Women's Alliance of Miami-
Dade & Broward, Inc.
Miami, FL

Women's Commission for
Refugee Women and
Children
New York, NY

cc: Senator Bob Graham
Senator Bill Nelson
Congresswoman Carrie P. Meek
Congresswoman Ileana Ros-Lehtinen
Congressman Lincoln Diaz-Balart
Congressman Alcee Hastings
Al Cardenas, Esq., Chair, Republican Party of Florida

CARRIE P. MEEK
17TH DISTRICT, FLORIDA

COMMITTEE ON
APPROPRIATIONS

SUBCOMMITTEES
VA, HUD, AND
INDEPENDENT AGENCIES

TREASURY, POSTAL
SERVICE, AND GENERAL
GOVERNMENT



Congress of the United States
House of Representatives

Washington, DC 20515-0917

April 26, 2002

Please Respond To:

☐ 2433 RAYBURN HOUSE
OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-4506
(202) 226-0777 FAX

☐ 3550 BISCAYNE BLVD.
SUITE 500
MIAMI, FL 33137
(305) 576-9303
(305) 576-9753 FAX

Mr. James Ziglar, Commissioner
Immigration and Naturalization Service (INS)
425 I St., N.W.
Washington, D.C. 20536

Dear Commissioner Ziglar:

I write to ask for your assistance in correcting INS policies that result in discriminatory, unequal and unfair treatment of Haitian refugees compared to every other refugee group, and the disparate treatment of Haitian women refugees as contrasted to the treatment received by Haitian men refugees.

The evidence shows that Haitian refugees in general are not treated under our laws the same as other refugee groups. While other refugee groups are paroled, Haitians are detained and are required to provide excessive documentation which, given the situation in Haiti, is often an impossibly high standard that few Haitian refugees—even those with strongly credible claims—can meet.

The unfair and often cursory consideration of asylum petitions filed by Haitians raises questions of a double standard in our immigrations policies. Evidence shows that federal judges have long criticized the INS for its wholesale violations of the Haitians' fundamental legal rights. A reading of their decisions amply demonstrates that no other group of refugees has been treated with the blatant discrimination suffered by Haitian refugees during the past two decades. It is extremely divisive, in a diverse community like Miami where different ethnic groups live side-by-side, to give similarly situated immigrant groups, like Cuban and Nicaraguan refugees, such radically different treatment from that being applied to Haitians.

Haitian women came here seeking refuge from desperate situations in Haiti. They were then detained at the Krome Detention Center, and many complained that they were sexually preyed upon by INS guards. After many complaints and charges against these guards, INS "solved" the problem by moving these women to another location, the Miami-Dade County Turner Guilford Knight (TGK) Correctional Facility, which is, in fact a county jail with rules that are even more restrictive and repressive than Krome. The message is clear: these Haitian refugee women are being punished by being forced to live under different rules and living conditions simply because they are women.

INS Commissioner James Ziglar

Both Haitian men refugees incarcerated at the Krome Detention Center and Haitian women refugees jailed at the TGK Correctional Facility have passed and/or can pass the legal requirement of "*credible fear of persecution*" interviews with the INS Asylum Office. But due to their current situations, and the fact that they are not paroled into the community like other refugee groups, they are denied access to fundamental legal representation from lawyers willing and able to offer pro-bono services. This is patently unfair.

A possible solution to this problem would be to parole some or all of these women, some of whom are pregnant, to Barry University pursuant to the offer by Barry's President, Sister Jean O'Laughlin. As you can see from the enclosed letter, Sister Jean has previous, successful experience in this matter, and I urge you to favorably consider her offer and make the arrangements to implement it as soon as possible.

I also ask you to investigate this situation and develop a scrupulously fair policy and procedures to insure equal humane treatment regardless of whether a refugee is Haitian or a member of some other refugee group, or male or female. Rather than special dispensation from or relaxation of current INS laws or policies, I ask for equal and uniform application of your rules, especially as they impact Haitian women refugees currently imprisoned at our county jail and held under the strict 24-hour search and vigilance from guards.

I have included the letter I received from Sister Jean O'Laughlin for your consideration. In addition, I have included several recent newspaper articles which speak to both issues and the Report of the Women's Commission for Refugee & Children on the situation of Haitian women for your information.

Thank you for your kind attention to this important matter. I look forward to hearing from you.

Sincerely,

Carrie P. Meek

CARRIE P. MEEK
Member of Congress



Barry University

Office of the President

11300 NORTHEAST SECOND AVENUE

MIAMI SHORES, FLORIDA 33161-6695

Direct (305) 899-3010

Fax (305) 899-3018

Switchboard (305) 899-3000

April 26, 2002

Congresswomen Carrie Meek
U.S. House of Representatives
401 Cannon House Office Building
First Street and Independence Ave., SE
Washington, DC 20515

Dear Carrie,

As you know Barry University has a history of having Haitian and other internationals paroled to us. These include Romanian, Chinese, Iranian and Nicaraguans as well as other countries.

In 1982 we were asked to sponsor over 300 Haitians to supervise. Each needed a sponsor and the assurance that they would not become a ward of the state. I believe Fordham in New York also participated in this mass parole effort. To my recollection we lost track of less than 12 persons.

It seems that history is repeating itself and that our Haitian brothers and sisters are once more wrongly incarcerated. I would like once more to offer our assistance in helping to place those who can and should be released, particularly the women and children.

I have included some of the history of these events of 1982 in case it would be possible to do something similar.

I believe Judge Spellman and Chesterfield Smith made me a master of the court, which made it possible for us to sponsor and supervise those released.

Carrie, please let me know if we can be of any assistance in this unjust situation.

May God continue to bless you and all you do for our community, our country and our world.

Gratefully,

Sister Jeanne O'Laughlin, OP, Ph.D.
President

Nun Proxy Heads

Parole Watch

MIAMI (AP) — A nun and college president who told a federal judge she was praying for him as he mulled the fate of detained Haitians has been asked to work out a way to supervise the parolees.

Sister Jeanne O'Laughlin, appointed special master to oversee parole arrangements for the Haitians, said U.S. District Judge Eugene Spellman's order requiring weekly reporting of their whereabouts "is going to cause a lot of upheaval."

Sister O'Laughlin, president of Barry University, has been shuttling for several days between Immigration and Naturalization Service offices in Miami and voluntary resettlement agencies to figure out how to keep track of the Haitians.

The confusion and lack of coordination was over the orderly supervision of Haitians once they are released from detention facilities in five states and Puerto Rico. Some 1,700 Haitians are still being held in federal facilities, while 151 islanders have been paroled the past two weeks.

About two dozen of the parolees failed to report in their first week and 22 others have applied for welfare benefits, officials say.

The Haitians were paroled after Spellman ruled in June that they were being held under a rule that had been literally ad hoc.

18A The Miami Herald / Saturday, Aug. 7, 1982

Nun working out procedure to supervise paroled aliens

By JANE DAUGHERTY
Herald Staff Writer

The college-president nun who told a federal judge she was praying for him as he pondered the fate of detained Haitians has been asked to do a lot more than pray.

Appointed a special master to oversee the reporting, Sister Jeanne O'Laughlin, said that the order by U.S. District Judge Eugene P. Spellman requiring paroled Haitians to report weekly "is going to cause a lot of upheaval."

For the last two days, O'Laughlin has been shuttling between Immigration and Naturalization Service officials and voluntary agencies trying to figure out how to keep track of the Haitians.

She found "much confusion... a total lack of coordination" but said procedures have now been worked out for orderly supervision of the Haitians. "They [INS and the voluntary agencies] just weren't geared up to do the job," she said.

Calling the procedures "complicated, delicate, expensive and potentially successful," O'Laughlin declined to predict whether the system will work smoothly.

"There is a certain seriousness about this," she said. "It's almost like a last experiment. The [voluntary] agencies are taking this very seriously. They have a sense that they will lose and the Haitians will lose if they do not fulfill the court order."

"If people fail to report, they could be sought by authorities within 48 hours and returned to Krome [Avenue detention camp]."

O'Laughlin, president of Barry University, said she has learned

Religion



Sister Jeanne O'Laughlin: Given task.

that Judge Spellman is "totally serious" about her assignment. She first talked to him when the Haitian class-action suit seeking release from Krome was pending.

"I had come out to Krome," she said. "It was a very moving experience in me... I didn't want to claim [Krome] as part of the country that I love. It was a prison, like a concentration camp."

"There were these very simple, peace-filled people. They were lifeless... when they were sitting around... the women [exhibited]

even greater sorrow [than the men]. They appeared to be almost shadows of human beings."

With those haunting images in mind, O'Laughlin said she called Spellman and the lawyers involved in the case that her prayers were with them. "I guess I told the judge, 'If there's anything I can do...'" she said.

Beginning Friday, Sister Marie Cerol Hurley will take over day-to-day direction of the reporting program at Barry with the assistance of social work students there.

Each day a government courier will deliver an updated, numbered, and alphabetized list of paroled Haitians and the day they are to report to Barry and to the five voluntary agencies handling their actual supervision.

In about a week, all but the largest voluntary agency, United States Catholic Conference, caseload will shift to reporting to Fordham University. "We'll handle it all until they get going," O'Laughlin said.

She acknowledges that not everyone has been thrilled with the prospect of the Catholic, liberal arts school in Miami Shores being involved with refugee affairs. "I think some [critics] actually thought the Haitians would have to report to campus," O'Laughlin laughed.

She acknowledges that there have been "hate calls" but declines to discuss them further. "As soon as people understand our role in this, it will die down," O'Laughlin said. "I don't think my board is going to fire me over this."

"I think it was the right thing for Barry to do."



United States Senate

WASHINGTON, DC 20510-0905

BILL NELSON
FLORIDA

May 2, 2002

The Honorable James Ziglar
Immigration and Naturalization Service
425 I Street, NW
Washington, DC 20536

Dear Commissioner Ziglar:

I have been monitoring an Immigration and Naturalization Service (INS) policy change toward Haitian immigrants seeking asylum, and am concerned about the effect of this change on approximately 270 individuals still being detained in South Florida.

First, I am concerned that Haitian individuals and their would-be sponsors are being required to provide much more documentation than other similarly situated immigrants. Second, I am concerned that Haitian asylum-seekers are being prevented from receiving proper legal counsel while their applications for refugee status are being processed.

More specifically, I am told would-be sponsors must produce such things as bank account records, payroll stubs and other financial documents. As to legal representation, it's my understanding that attorneys are being forced to wait extraordinary amounts of time to see their clients, even when an appointment was made ahead of time, and that adequate confidential space to conduct meetings isn't being provided. Also, it is my understanding that since February 1, 2002, attorney-client meetings have been prohibited on Sundays and limited to 7am to 11am on Saturdays and that no notice or reason for this change was given.

While some of these issues have been long-term problems at south Florida detention facilities, the large number of individuals being detained has dramatically increased the impact of these conditions. To attempt to address these discrimination and legal issues, I would like to meet with you as soon as you are able. Please contact me at (202) 224-5274 to arrange for this meeting.

Sincerely,

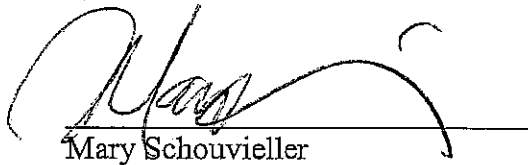
DECLARATION OF MARY SCHOUVILLIER

I hereby declare the following under penalty of perjury:

1. I am an attorney at the Florida Immigrant Advocacy Center ("FIAC") and I represent a Haitian asylum seeker in her immigration proceedings. My Haitian client is detained at the Turner Guilford Knight ("TGK") Correctional Center, a county jail in Miami, FL.
2. On May 6, 2002, I went to TGK in order to work with my client. I was accompanied by Sarnia Michel, a FIAC paralegal who goes to TGK frequently in order to meet with clients.
3. I was told upon attempted entry at TGK by the officer in the lobby that I had to be Florida Bar certified in order to see any detainee at TGK. I explained that I was seeing an INS detainee, not a criminal detainee, and that my representation of her was proper, as I am certified in at least one U.S. state.
4. The TGK employees conferred and asked me if I had a 1-800 number for the bar card I presented. I told them no, and that they shouldn't be requesting it. They told me that my bar card looked "fake" and so they wanted to verify I was really an attorney.
5. The officers were about to decline me entry, when I told them I worked for FIAC, and that if they did not permit me entry, I would have to not only request a continuance from the court because I was being denied access to my client, but also let the media know about the problem. They conferred some more, talked to a superior and eventually let me go in.
6. I was waited approximately 20 minutes while the matter was brought to the attention of a superior.

7. On my way out of TGK, my license and bar card were not available until I spoke with a lieutenant and her colleague. I was called into an office where these individuals advised me that I might not be permitted entry to see clients in future, and that I should "just go get a Florida Bar card" so that my visits in the future would not be problematic. I was told that the TGK rules required a Florida Bar card of all attorneys.
8. I was also told that I should call the Minnesota Bar and tell them that their bar card looked fake and ask them for a different, presumably more "official looking" one.

Dated 5-8-02


Mary Schouvieller

DECLARATION OF MOIRA FISHER PREDA

I hereby declare the following under penalty of perjury:

1. My name is Moira Fisher Preda and I am an attorney with the Florida Immigrant Advocacy Center. I am licensed to practice law in the State of Maryland and am therefore also entitled to represent clients before the immigration court and INS in any state. There is no requirement that I be licensed in Florida to represent clients here in INS detention, but unfortunately I constantly have problems entering INS detention facilities because the guards are under the mistaken impression that a Florida Bar card is required for me to enter. They are instructed to ask for a bar card and do not understand that membership in the Florida Bar is not a requirement to practice before a federal agency such as the INS or Executive Office for Immigration Review and that there are some states such as Maryland that do not issue bar cards.
2. Recently, on April 30, 2002, I was nearly denied entry into the Turner Guilford Knight ("TGK") Correctional Center because I did not have a bar card. I ended up having to fight with the guard to speak to the lieutenant and had to wait an hour to see my clients. Because of this delay I only saw one of the two clients I intended to visit that day and lost valuable preparation time for her asylum hearing which is coming up soon.
3. I had visited TGK once several months ago and had called the lieutenant in advance to ask what document I should bring in lieu of a bar card. I was told to bring a copy of my attorney's license and was admitted without any major problem. Before my recent visit there I called again and asked the same information. I was told that the copy of my license would be fine.
4. When I arrived the guard took these documents and then returned several minutes later. She said that she checked with the lieutenant and I could not enter because I had no bar card. I offered other documentation such as my business card, but she said that since they had already seen my license, now they could not look at any other documents. This made no sense to me. I asked to speak to the lieutenant and she said he was in a meeting and that she would not interrupt him for me. I asked how long it would be and she said it would be a while, but I could wait if I wanted. She then said the lieutenant said I had to call the "Camp." I asked what that was and the guard said she did not know. I then asked, "How can you tell me I have to call there if you don't even know what it is?" She then said it had to do with the INS, and that the INS had to authorize my entry. This

made no sense to me either, but she said she would try calling for me.

5. I waited while the guard made the phone call and then she said she had called the "camp" and gave me a post-it with a phone number. She told me to call that number and said it was the INS. I asked which INS office it was and why I needed to call them to enter the jail. She just told me again that I had to call.
6. I went out to my car where I had left my cellular phone, which we cannot bring into the jail and called the number, still not understanding why. The office who answered sounded very annoyed and said she had just spoken to the guard and told her that the INS couldn't tell the warden how to run his jail and that they had no say over who entered the jail. She offered to explain it again to the guard but since I was out at my car this was not possible.
7. After that phone call with INS I was growing extremely frustrated. I had been there for over half an hour and really needed to meet with my client. I returned to the lobby and demanded to speak with the lieutenant. After saying again that I had to wait for him to finish his meeting, the guard finally gave me his office phone number and said I could call him myself if I wanted but she could not interrupt. I called and surprisingly he took the call. It seems he was not really in a meeting. He said he would be out in about ten minutes to speak to me.
8. The lieutenant did come out after about ten minutes and I explained the situation again. He said that in the past attorneys from other states without bar cards were allowed to enter "as a courtesy" but that they needed a letter on letterhead from the firm where they worked. I told him that I had been told that a copy of my license would be sufficient to enter and that I did not have a letter that day. I gave him my business card and he said that they could let me in, but they first had to call the office where I worked to verify I worked there. He was polite to me, but it was still rather insulting that he had to make that call to verify my employment. The Florida Immigrant Advocacy Center represents many detained clients at TKG and the staff are familiar with our organization. A business card from FIAC stating that I am an attorney should be sufficient for entry along with my photo ID.
9. The lieutenant made the call and after a few minutes told me I was cleared to enter. At this point I had been there a full hour and was not able to meet at all with one of my

clients. This situation needs to be remedied immediately. We represent detained clients with very little time to prepare for hearings and cannot afford to wait for an hour or more to see a client. This access problem has a very negative impact on our ability to represent our clients. Furthermore, licensed attorneys should not have to fight for an hour every time they go to visit their clients. These individuals have a right to attorney representation and turning us away, or attempting to do so, is unacceptable.

10. I am also often harassed by detention officers at the Krome Service Processing Center who treat me like an imposter trying to perpetrate some kind of fraud because I do not have a Florida Bar card. On some occasions when I explain that I am licensed in Maryland and present my business card from the Florida Immigrant Advocacy Center I am then allowed to enter without a problem. But sometimes the officers are very hostile and I have to insist that they call the immigration court within the detention center to "verify" that I am really an attorney. This repeated problem is very frustrating and could be resolved with better training of officers so that they understand that not all attorneys have bar cards and that they should accept other documentation that the person is an attorney, such as a business card from a known organization such as FIAC or a membership card from the American Immigration Lawyers Association.

Dated: 5/8/02



Moira Fisher Preda

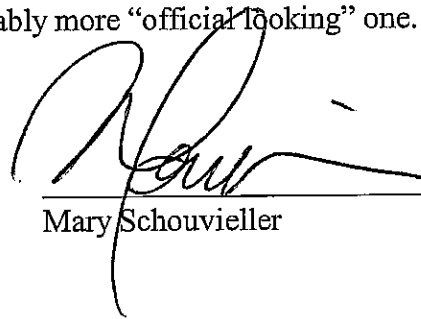
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4. The TGK employees conferred and asked me if I had a 1-800 number for the bar card I presented. I told them no, and that they shouldn't be requesting it. They told me that my bar card looked "fake" and so they wanted to verify I was really an attorney.
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8. I was also told that I should call the Minnesota Bar and tell them that their bar card looked fake and ask them for a different, presumably more "official looking" one.

Dated 5-23-02



Mary Schouvieller

Articles, Press Releases

1. Elsner, Alan. "Haitian women asylum seekers complain about US prison," *Reuters*, March 14, 2002.
2. Miami-Dade County Community Relations Board, Position Statement, April 17, 2002.
3. Editorial. "Justice Denied, Again," *The Miami Herald*, March 18, 2002.
4. De Gale, Anabell. "In policy switch, INS releases a 'small number' of Haitians," *The Miami Herald*, April 21, 2002, p. 3B.
5. "INS policy called unfair to Haitians," *The Miami Herald*, April 22, 2002, p. 4B.
6. Benjamin, Jody A. "Haitian women seeking asylum worry as they wait at max security center," *Sun-Sentinel*, April 22, 2002.
7. Benjamin, Jody A. "Awaiting Asylum, 'I Don't Know Why I Am In Jail'," *Sun-Sentinel*, April 22, 2002.
8. Editorial. "Make The Rules The same," *South Florida Sun-Sentinel*, April 24, 2002.
9. Editorial. "Misguided INS Policy," *The Miami Herald*, April 24, 2002.
10. "Protecting Jeb?" *The Wall Street Journal*, April 26, 2002.
11. Ronald Frazier, Chair, Sankofa, Press Statement: "Haitian Asylum Seekers 'Assuring Equal Justice For All'," April 29, 2002.
12. Valbrun, Marjorie. "Bush to Face Florida Protests Over Move to Detain Haitians," *The Wall Street Journal*, April 29, 2002.
13. Media Advisory, "Representative Meek & Community Leaders To Call For Release Of Haitian Detainees," Miami, FL, April 29, 2002.
14. Press Statement of U.S. Rep. Carrie P. Meek, "Calling for the Release of Haitians Unfairly Detained by the INS at TKG Correctional Facility and Krome Detention Center," April 29, 2002.
15. Amnesty International Press Release, "USA: Stop discriminating against Haitian asylum-seekers," April 29, 2002.
16. Benjamin, Jody A. "Barry U. Educator wants to lead effort to free Haitian detainees," *Sun-Sentinel*, April 30, 2002.
17. Barry University News Release, "Barry University President Offers Help To Find Sponsors For Detained Haitians," April 29, 2002.
18. De Valle, Elaine. "Haitian advocates, Rep. Meek meet to push for release of asylum-seekers," *The Miami Herald*, April 30, 2002, p. 3B.

Subject: Haitian women asylum seekers complain about US prison

By Alan Elsner, National Correspondent
Reuters
March 14, 2002

MIAMI - Haitian political asylum seekers held in a women's prison in the United States charge they face verbal abuse and insults from guards and get bad food and no medical treatment.

Human rights groups say the women are being treated especially harshly to deter other Haitians from fleeing to the United States as the situation in their homeland deteriorates.

"The officers constantly tell us we smell. We are very unhappy and depressed; we don't sleep or eat well. Everything that happens here gets blamed on the Haitian women because we don't speak the language," said Rosalind LeGrand, who is being held at the Turner Guilford Knight correctional center, a prison near Miami International Airport.

Last Dec. 3, a boatload of 187 Haitians approached the Florida coast in stormy seas. Two drowned, 20 managed to swim ashore and the rest were taken ashore by the U.S. Coast Guard and placed in custody.

The men went to the Krome detention center outside Miami where over 600 detainees are being held in a facility designed for fewer than 400. The women were taken to TKG prison. Most of the children went to juvenile facilities.

According to Cheryl Little, director of the Florida Immigrant Advocacy Center, prior to December Haitians who made it ashore and convinced an immigration officer they had a credible fear of persecution were almost always released on parole until a judge could hear their case.

"Since December, they are not releasing anyone, even after they pass the credible fear interview. The authorities are clearly trying to deter more Haitians from coming," she said.

In the early 1990s, tens of thousands of Haitians attempted the dangerous sea voyage to Miami, often in rickety, homemade craft. Over 20,000 were detained at the U.S. Naval Base at Guantanamo Bay, Cuba, now being used to house Taliban and al Qaeda prisoners captured in Afghanistan, before eventually being returned to Haiti.

Little said the administration of President George W. Bush wanted no repeat of that scenario.

UNREST IN HAITI

Political disturbances, assassinations, riots and food shortages have occurred in Haiti in the past year and there was a failed coup attempt in December. The United States has criticized the government of President Jean-Bertrand Aristide for "serious human rights abuses."

This week, the U.S Coast Guard on Tuesday repatriated 65 Haitian migrants to Port-au-Prince after rescuing them at sea from an overloaded sailboat. Since October 2001, 919 Haitians have been intercepted at sea, according to the Coast Guard.

Immigration and Naturalization Service spokeswoman Karen Kraushaar denied

there was a new policy on detaining Haitians who make it ashore.

"Immigration cases are determined on an individual basis and not according to nationality," she said.

Human rights advocates have been concerned about conditions in the Miami district of the INS for years. Women and men were originally both held at Krome, but the women were moved to TKG in December 2000, after several detainees alleged they were victims of sexual abuse by guards.

But Wendy Young of the Women's Commission for Refugee Women and Children said conditions at TKG prison in some ways were even worse than at Krome.

"Translation services are not readily available, medical care is shockingly inadequate, the food is unappetizing and the women describe it as inedible, the environment is claustrophobic and isolating," she said.

Laurence St. Pierre, a female detainee, said she wakes up every morning spitting blood and with stiff joints but has yet to see a doctor after over three months of detention. Two pregnant women detainees also had received no medical checks.

"They haven't changed our sheets for two weeks. They change them every three weeks," she said. "The fruit tastes like it is old or rotten. Most of us don't touch it. When they give us chicken, it is not completely cooked."

MANY COMPLAINTS

Among other complaints voiced by inmates in interviews with Reuters: they pay 25 cents a minute for telephone calls; they are subject to strip searches whenever they go for recreation, which takes place on a small balcony surrounded by high walls and a mesh ceiling; they are subject to frequent head counts and lock downs; they lack basic toiletries; they are not allowed to be in the same room as family members during visits and have to speak through a glass partition.

INS spokeswoman Kraushaar said: "We encourage all detainees who have complaints to contact us immediately. There is a hotline on which they can make complaints anonymously."

She said the INS had taken steps to address complaints about the food. In general, she said: "These people have broken the law by attempting to enter the United States illegally. Until their cases are resolved, it is necessary to detain them and they are subject to the policies and procedures of the facility in which they are housed."

Last weekend, Michigan Democratic Rep. John Conyers visited TKG and met with detainees. He said he was disturbed by the lack of fresh air and exercise and the frequent lock-downs when women are confined in the cells for hours on end. He was particularly worried about the lack of Creole speakers on the INS or prison staff who could communicate with the detainees.

"These women are in a high security setting when they are not alleged to have violated any criminal laws. They are being deprived needlessly of basic necessities," said Keenan Kellar, minority counsel to the House Judiciary Committee, who accompanied Conyers on the visit.

MIAMI-DADE COUNTY, FLORIDA



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MIAMI-DADE COUNTY COMMUNITY RELATIONS BOARD Larry D. Capp, Ph.D.
Executive Director

Xiomara Casado
Assistant Director

POSITION STATEMENT

A boat containing 185 Haitian refugees arrived in the United States on December 3, 2001, in addition to others that arrived by plane. The refugees were taken to the Krome Detention Center and other detention facilities in Florida and other states. Two of those who arrived by boat drowned in an attempt to reach land, while being chased by the Coast Guard. Under the "dry foot, wet foot" policy adopted by INS, if a refugee sets foot on dry land, he is given special consideration. Eighteen were released based on that inhumane policy.

Approximately 200 Haitian refugees remain under INS custody, out of which 26 women are kept at a high security jail – Turner Guilford Knight (TGK), and 12 children are detained at Boystown (including a one-year-old toddler and a 3-year-old boy).

These Haitian refugees passed their "credible fear interviews". Under the law and INS policies, once an INS asylum officer declares a refugee to have a credible fear of returning to their homeland, the refugee is normally paroled within 72 hours; and given the opportunity to retain a lawyer for fair representation and to apply for asylum.

WHEREAS other refugees of different nationalities, under the same circumstances are being released and some are detained indefinitely for no apparent reasons, now be it resolved that the US Immigration and Naturalization Service be fair and equitable in the application and enforcement of their own policy by releasing all persons who have proven their credible fear of persecution.

This was approved by the Board on this 17th day, of April, 2002.

Respectfully,

Adora Obi Nweze, Chair
Community Relations Board

EDITORIALS

JUSTICE DENIED, AGAIN

FOR HAITIAN ASYLUM SEEKERS

Ernest Moise, who fled death threats in Haiti, was granted political asylum by an immigration judge on Feb. 22. Yet he and his two teenage sons remain locked up by the Miami Immigration and Naturalization Service District. Advocates for Haitian immigrants say that they now know why: unfair treatment.

We, too, believe that the Miami INS District has been applying a discriminatory policy designed to send Haitian asylum seekers back home, regardless of the risk of persecution. Advocates argue that the policy is unconstitutional. The INS repeatedly has denied these charges.

A lawsuit seeking class-action status filed last Friday aims to stop the INS's policy. It charges that Haitians are being mistreated because of their race and nationality. The lawsuit also accuses the INS of violating its own regulations as well as due-process and equal-protection provisions of the U.S. Constitution. The lawsuit asks that the Haitian refugees be freed and afforded a fair chance to earn asylum.

POLICY OF DETAINMENT

Since December, the Miami INS District systematically has detained Haitian asylum seekers and speeded up their asylum proceedings — a stark reversal of policy. This began after an overloaded boat brought 170 Haitians to our shores on Dec. 3.

Since then, virtually all Haitians who have been found to have a credible fear of persecution if they were sent back to Haiti — the first hurdle in the asylum process — have been denied release. Even the handful who have been granted asylum, including Mr. Moise, remain detained. The INS may yet appeal those asylum grants.

Prior to December, the Miami INS District routinely released almost all refugees who passed credible-fear interviews — including Haitians. It continues to do so for other nationalities. Indeed, from Dec. 1 to Feb. 15, 91 percent of non-Haitians who passed the credible-fear test were released, according to the lawsuit.

The new policy, in effect, prevents detained Haitians from obtaining legal representation and damages their ability to win asylum on merit.

The lawsuit asks that Haitians be afforded a fair chance to earn asylum.

According to the lawyers filing the lawsuit, some 240 Haitians remain locked up by the INS in Miami. Most don't have lawyers. Yet asylum petitioners who have legal representation are four to six times more likely to be granted asylum. Not surprisingly, more than 50 of the detained Haitians already have been denied asylum and ordered deported.

To add insult to injury, INS officials deny that anything has changed. "There has been no change of policy with specific reference to Haitian nationals in detention," said INS spokeswoman Karen Kraushaar in January.

Clarel Cyriaque of the Haitian Lawyers Association, Randy McGrorty of Catholic Charities Legal Services and other local advocates who recently accompanied U.S. Rep. John Conyers, D-Mich., to see the detained Haitians believe otherwise. While visiting Krome, advocates say that acting Miami INS District Director John Bulger acknowledged that he had made the initial decision to detain the Haitians from the Dec. 3 boatload. The decision to keep them detained and to detain new Haitian arrivals came from Washington, the advocates believe. Mr. Bulger could not be reached for comment.

AN UGLY HISTORY

The INS maintains that its policies are not based on race or nationality.

Unfortunately, the INS has a history of abusive policies toward Haitians, particularly in the late 1970s and early 1980s. The aim then, just as it is today, was to deter more Haitians from coming here. Yet the practices now apparently revived by the Miami INS district seem to mimic those struck down by courts decades ago.

How long do Haitians have to fight the same fight? How long must they wait to be treated as other refugees?

In policy switch, INS releases a 'small number' of Haitians

BY ANABELLE de GALE
adegale@herald.com

Months after the U.S. Immigration and Naturalization Service modified its long-standing release practice, the agency has reexamined its procedure and begun paroling some of the 240-plus Haitian refugees who have faced indefinite detention since December.

"We've reviewed the policy and there has been somewhat of a policy change," said Rodney Germain, an INS spokesman.

The latest releases come

just weeks after several prominent immigration attorneys sued the INS for discrimination and asked for the release of the refugees.

Those named as plaintiffs in the class-action lawsuit included Ernest Moise and Peterson Belizaire. Moise was set free March 27 and Belizaire was among "a small number" of Haitians released last week, Germain said. Germain did not release the names of the others discharged.

Prior to December, when a boatload of nearly 200 Haitians was rescued from a sink-

ing ship near Miami, the policy allowed for the freeing of asylum-seekers if they could show a credible fear of persecution if repatriated to their homeland. But that month, the INS changed its policy, saying the new rules were meant to deter Haitians from making risky voyages by sea to Florida.

Then, in mid-April, the INS changed the rules again.

"But there are still certain conditions on their release," Germain said.

To be eligible for parole, Germain said, a detainee must have come through official

ports of entry, such as airports. They must also provide a "support affidavit" — basically proof of income from sponsors.

And their release is pending the outcome of their asylum applications.

Belizaire, who was unavailable for comment Saturday, arrived by plane at Miami International Airport Jan. 17. He has said he left Haiti because government supporters disliked his political activities: He was a member of a choral group that sang songs with political messages.

INS policy called unfair to Haitians

From Herald Staff

A decision by the U.S. Immigration and Naturalization Service to parole some Haitian refugees is limited and only "affects a handful of people," says an attorney who sued the agency for discriminating against Haitians.

Cheryl Little, the attorney, said the refugees must provide "excessive" documentation to show they or their family members can support them — paperwork not required of other immigrant groups seeking asylum, she said.

"They have to do all this documentation, and I can tell

you it's a nightmare," said Little, executive director of Miami-based Florida Immigrant Advocacy Center. "Their families have to take days off work. Some are losing their jobs."

Moreover, the policy only affects those who arrive by air, not by boat, she said.

The majority of Haitian asylum-seekers in detention arrived aboard a crowded boat that foundered near Miami on Dec. 3. The boat carried about 187 Haitian nationals.

Boat people are still being detained without exception while they await their appearance before an immigration

judge, Little said. This, she added, makes it difficult for them to build a legal case.

On Saturday, INS officials in Miami acknowledged that the agency had modified a practice that prohibited the release of most Haitian asylum-seekers whose cases have not been resolved.

Prior to the Dec. 3 boat arrival, INS allowed asylum-seekers to go free if they could show a credible fear of persecution if repatriated. After the Dec. 3 event, INS officials in Washington reversed the release practice on the ground it could prompt a mass exodus of Haitian refugees.


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Haitian women seeking asylum worry as they wait at max security center

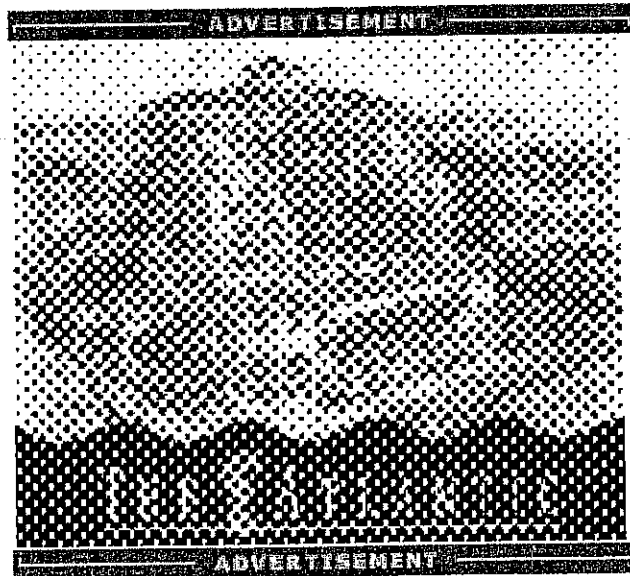
By Jody A. Benjamin

Sun-Sentinel

Posted April 22 2002

MIAMI -- Six months ago, she lay crying on a filthy street in Gonäives, Haiti, fending off kicks and punches from machete-wielding men screaming political slogans.

After arriving in Florida after nine days aboard a rickety, overcrowded boat without food or water, Jeanne Noel is safe from her country's political violence. But because she is Haitian, the mother of three is now detained at the Turner Guilford Knight Correctional Center, following rules designed for criminals — though she is not one.



"Our days are not good at all," Noel, 40, said through an interpreter, her dark brown eyes welling with tears. "You don't sleep. You don't eat. I don't know why I am in jail."

Noel is one of 60 Haitian women seeking asylum who have been at the maximum-security jail near Miami International Airport since Dec.

3.

As a Haitian, Noel is subject to rules instituted that month requiring her detention even if asylum officers think she has a credible claim that returning to Haiti would mean death or imprisonment. Members of other ethnic groups — Cubans, South Americans, Chinese — who are not suspected terrorists are released to relatives pending final asylum hearings.

Because she is a woman, Noel must be housed at the county jail, which the Immigration and Naturalization Service says is the only safe place to detain her. The less-restrictive Krome detention

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camp is not an option since December 2000, when INS began to move all women to the jail in response to allegations that guards were sexually abusing them.

"This is outrageous. It is unspeakable," said Marleine Bastien, founder and director of Haitian Women of Miami. "It is a travesty of justice. I wish the eyes of the world will open to what's going on in the U.S., which is supposed to be a protector of human rights."

INS says the change in detention policy was meant to discourage Haitians from making dangerous sea crossings. U.S. District Judge Joan Lenard is weighing a lawsuit filed in March by immigrant advocates alleging that the federal government actively discriminates against Haitians because of their nationality and race. Last week, the INS allowed the first media access to some of the Haitian women of TGK who are at the center of the legal and political controversy. The interviews come at a time when the INS is under close scrutiny by Congress that could result in the agency's reorganization. In interviews with the Sun-Sentinel, the Haitian women said they felt humiliated by conditions at the jail. They complained of strip searches and constant body counts, inedible and monotonous food, lack of money to call relatives living nearby, insults and occasional mistreatment by some of the correctional officers.

"They say we smell," said detainee Laurence St. Pierre, 27, a named plaintiff in the discrimination lawsuit.

Last week, the United Nations High Commissioner for Refugees criticized INS handling of the Haitian refugees in Miami as "contrary to... international refugee law."

Likewise, the Miami-Dade branch of the NAACP complained about the plight of the detained Haitians in an April 16 letter to Attorney General John Ashcroft.

"Using the threat of detention to deter the arrival of asylum-seekers is neither legally nor morally acceptable," wrote branch President Brad Brown. "These Haitians know full well the risks when they take to the high seas in flimsy boats, yet they do so because their fear of remaining in Haiti is so grave."

Life at TGK

At TGK, noncriminal asylum-seekers such as the Haitian women are housed in unit K-46, a two-story open room segregated from the rest of the jail by two heavy doors of metal and glass. Adorning its pale yellow walls are faded, construction-paper flags — South Africa, Kiribati, Vietnam, Haiti. Two large, round security mirrors hang from the ceiling.

Detainees are housed one or two to a room. In one corner of the unit is a small kitchen and shower area.

An outdoor recreation area, covered in mesh fencing, is separated

from the main living area by glass walls and locked doors. It contains a basketball court, a sagging volleyball net and plastic chairs. Pushed into a corner, a banged-up ping-pong table sits unused, its warped surface covered in fine dust.

On a recent day, a small group of women watched Spanish-language television under a stairwell. Others braided hair in front of a mirror on the wall. Still more wandered about in orange uniforms and rubber slippers.

Unlike at Krome, where male detainees play soccer on open fields and walk around an open campus, the women at TGK spend most of each day in unit K-46. That is especially true since February, when jail officials began limiting detainee access to the recreation yard to one hour every other day and requiring detainees to sign up in advance, rules instituted after a county inmate escaped.

"It's for security reasons," said Janelle Hall, Miami-Dade County Corrections Department spokeswoman. "Everybody has to be treated the same way."

Several Haitian detainees said they avoid the unit's nearby recreation area because they are patted down by officers wearing rubber gloves when they come back inside.

"I haven't been out there since February," said detainee Claudia Casseus, 36, who was once too afraid to sleep in her home in Gonäives because of threats. "Why do they have to search me if I am in prison already? It is very humiliating."

Besides recreation, visitation rules at TGK are also more than those at Krome, according to the Florida Immigrant Advocacy Center, the group pursuing the discrimination lawsuit.

"The treatment of female detainees at TGK is the result of a pervasive pattern of discrimination and neglect," said Cheryl Little, the agency's executive director.

While male detainees at Krome are entitled to two contact visits per week, the women at the county jail are allowed one per month. Family members must lean down to speak through a small opening in the Plexiglas that separates them.

Each time they are taken to Krome in southwest Miami-Dade for court, the detainees are strip-searched when they return to the correctional center.

"We have to remove our clothes every time," said detainee Josline St. Amand. She said she has been strip-searched four times since December. "I don't like it."

About a week ago, St. Amand and St. Pierre said, a female officer became angry that the detainees had used a trash can without a liner and accused the group of lacking respect for her. St. Pierre said the officer screamed curses at the women, then dumped the can's contents onto the floor. A detainee mopped up the mess.

"After that incident I was so mad, I went to my room," St. Pierre said.

Asked about the allegation, INS and jail officials said it was the first time they heard of it. The detainees have been told in Creole that they have a right to file grievances about such claims, INS spokesman Rodney Germain said.

"These things need to be brought to our attention," Germain said.

None of the unit's officers speaks Creole, according to both jail officials and detainees. When officers need to communicate something important, they usually call a Creole-speaking officer who works on another floor of the jail, said Hall, the county jail spokeswoman.

On a recent day, a county nurse unable to communicate with some of the detainees turned to a visiting reporter for assistance. "Do you speak Creole?" she asked.

Worried about future

Many of the Haitian detainees are Pentecostal Christians from the north-central coastal city of Gonâives. Active in a Haitian opposition party called Mochrena, the Creole acronym for Christian Movement for National Reconciliation, they fled by boat on Nov. 25 after a series of confrontations with pro-government groups turned violent. St. Amand said pro-government supporters attacked her when she tried to cast a vote for an opposition candidate in October. "They were beating up on everybody," said St. Amand, 28. She was knocked to the ground. "When I tried to get up and run away, a man wearing a ring punched me in the nose."

St. Pierre said she was raped and beaten by a local leader of the pro-government Lavalas party after she helped campaign for the opposition. In a statement to INS, St. Pierre, a named party in the discrimination lawsuit, said Lavalas members also forced her to roll in filth on the street.

After going into hiding for a few weeks, St. Pierre said she fled Haiti for her life, paying \$30 in Haitian dollars (about \$6 U.S.) to board an overcrowded refugee boat.

"I would prefer for them to get me a coffin than to send me back there," St. Pierre said. "There is no security in Haiti. There is no doubt Lavalas will kill me."

But the women at TKG worry less about living conditions than their ultimate fate: Will they be returned to Haiti, or allowed to stay? Most are hoping for a miracle similar to the one that helped them survive the nine-day boat trip that brought them here.

"Soon it's going to be five months that we are in this place, but I still don't know what is going to happen," said Noel, who prays

every day, alone and with other detainees. "It's in God's hands."

*Jody A. Benjamin can be reached at jbenjamin@sun-sentinel.com
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AWAITING ASYLUM

'I DON'T KNOW WHY I AM IN JAIL'



ANOTHER DAY: Jeanne Noel, 40, of Gonâives, Haiti, prays during afternoon lockdown at Turner Guilford Knight Correctional Center, a maximum-security jail near Miami International Airport. She has been detained there since Dec. 3. Staff photos/Anastasia Walsh

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Haitian women complain of strip searches, inedible food as they await their fate at maximum-security center

BY JODY A. BENJAMIN
STAFF WRITER

MIAMI • Six months ago, she lay crying on a filthy street in Gonâives, Haiti, fending off kicks and punches from machete-wielding men screaming political slogans.

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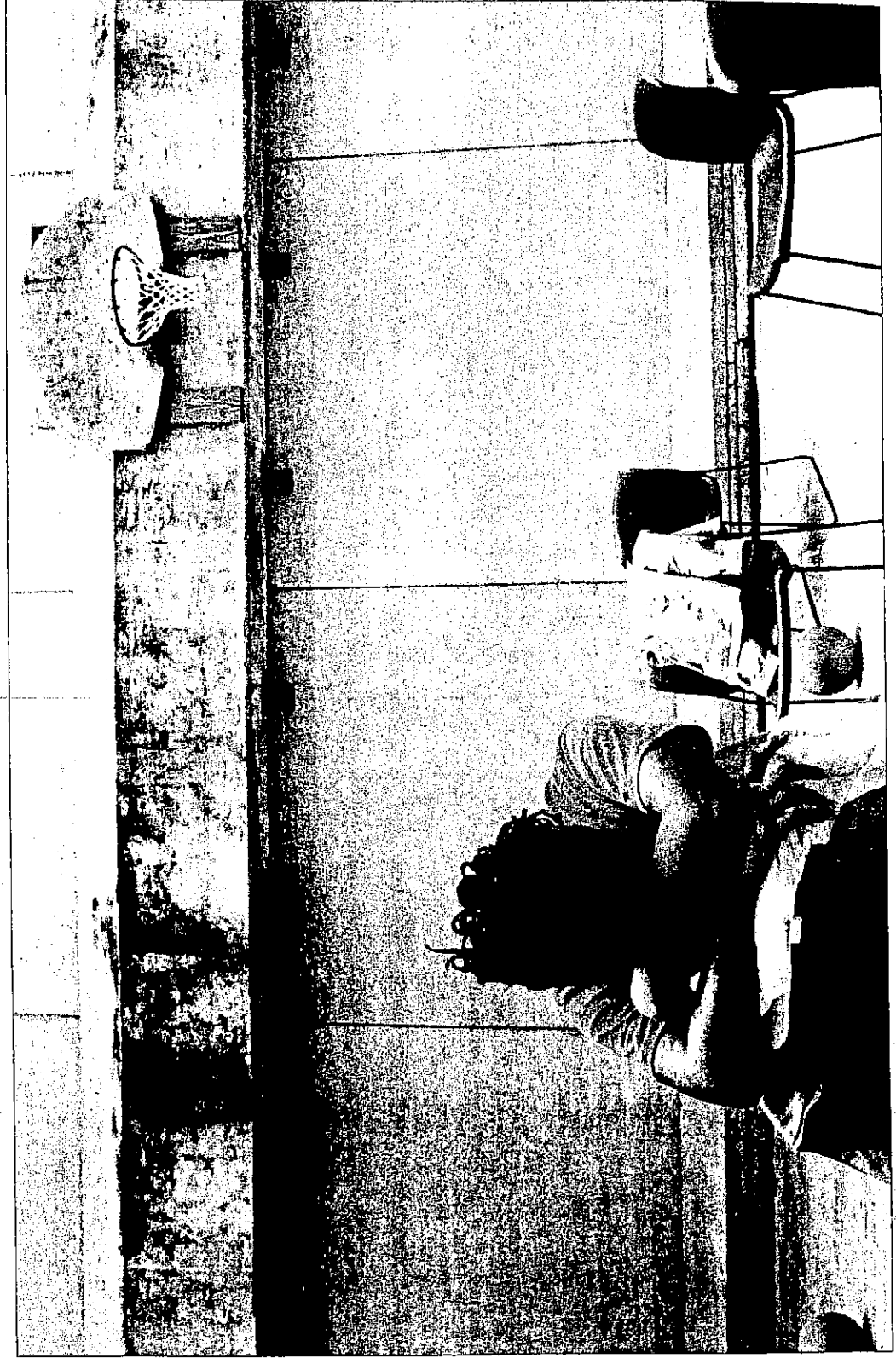
■ TCK CONTINUES ON 5B



HOPING FOR FREEDOM: Claudia Casseus, of Haiti, sings and prays during the lockdown at TCK. "I haven't been out there [recreation area] since February," says Casseus, 36, who was once too afraid to sleep in her home in Gonâives because of threats. "Why do they have to search me if I am in prison already? It is very humiliating."

"Our days are not good at all. ... You don't sleep. You don't eat. I don't know why I am in jail."

JEANNE NOEL
HAITIAN DETAINEE



WAITING: An undocumented Haitian detainee who did not want to be identified spends time in an outdoor recreation area at the Turner Guilford Knight Correctional Center. The area, covered in mesh fencing, is separated from the main living area by glass walls and locked doors. It contains a basketball court, a volleyball net and plastic chairs. Staff photos/Anastasia Walsh

Haitian women await their fate

■ **TGK**

CONTINUED FROM PAGE 1B

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"Using the threat of detention to



LUNCH TIME: Laurence St. Pierre, left, and Claudia Casseus have lunch at the Miami-Dade County jail, where they have been detained for almost five months. They are two of 60 Haitian women seeking asylum.

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Each time they are taken to Krome in southwest Miami-Dade for court, the detainees are strip-searched when they return to the correctional center.

"We have to remove our clothes every time," said detainee Josline St. Amand. She said she has been strip-searched four times since December. "I don't like it."

About a week ago, St. Amand and St. Pierre said, a female officer became angry that the detainees had used a trash can without a liner and accused the group of lacking respect for her. St. Pierre said the officer screamed curses at the women, then dumped the can's contents onto the floor. A detainee mopped up the mess.

"After that incident I was so mad, I went to my room," St. Pierre said.

Asked about the allegation, INS and jail officials said it was the first time they heard of it. The detainees have been told in Creole that they have a right to file grievances about such claims, INS spokesman Rodney Germain said.

"These things need to be brought to our attention," Germain said.

None of the unit's officers speaks Creole, according to both

jail officials and detainees. When officers need to communicate something important, they usually call a Creole-speaking officer who works on another floor of the jail, said Hall, the county jail spokeswoman.

On a recent day, a county nurse unable to communicate with some of the detainees turned to a visiting reporter for assistance. "Do you speak Creole?" she asked.

WORRIED ABOUT FUTURE

Many of the Haitian detainees are Pentecostal Christians from the north-central coastal city of Gonâves. Active in a Haitian opposition party called Mochrena, the Creole acronym for Christian Movement for National Reconciliation, they fled by boat on Nov. 25 after a series of confrontations with pro-government groups turned violent. St. Amand said pro-government supporters attacked her when she tried to cast a vote for an opposition candidate in October. "They were beating up on everybody," said St. Amand, 28. She was knocked to the ground. "When I tried to get up and run away, a man wearing a ring punched me in the nose."

St. Pierre said she was raped and beaten by a local leader of the pro-government Lavalas party after she helped campaign for the opposition. In a statement to INS, St. Pierre, a named party in the discrimination lawsuit, said Lavalas members also forced her to roll in filth on the street.

After going into hiding for a few weeks, St. Pierre said she fled Haiti for her life, paying \$30 in Haitian dollars (about \$6 U.S.) to board an overcrowded refugee boat.

"I would prefer for them to get me a coffin than to send me back there," St. Pierre said. "There is no security in Haiti. There is no doubt Lavalas will kill me."

But the women at TGK worry less about living conditions than their ultimate fate: Will they be returned to Haiti, or allowed to stay? Must be hoping for a miracle similar to the one that helped them survive the nine-day boat trip that brought them here.

"Soon it's going to be five months that we are in this place, but I still don't know what is going to happen," said Noel, who prays every day, alone and with other detainees. "It's in God's hands."

Jody A. Benjamin can be reached at jbenjamin@sun-sentinel.com or 954-356-4530.


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Make The Rules The same

South Florida Sun-Sentinel Editorial Board
 Posted April 24 2002

People from nearby island nations who climb on rickety boats or rafts and try to reach Florida should be discouraged. Often, they are putting their lives into the hands of smugglers and thugs. Many have drowned.

But sometimes those flimsy vehicles carry some people who would be harmed or killed if sent home. U.S. laws distinguish between economic refugees and people with a real and credible fear of persecution.

New immigration rules distinguish between Haitian asylum-seekers and those of other immigrant groups. Last December, the Immigration and Naturalization Service changed the rules, mandating no parole for Haitians with credible asylum claims. This means that Haitian asylum-seekers must stay behind bars until the case is heard.

These rules don't apply to asylum-seekers of other nationalities -- Cubans, Chinese, South Americans. Unless they are suspected terrorists, these asylum claimants can be released to their relatives or sponsors.

The INS says the rules were changed to discourage Haitians from taking to the seas and becoming the victims of smugglers. As political turmoil has increased in Haiti, so have illegal boat trips.

Illegal immigration is a crime. The United States has the right and the responsibility to protect its borders and enforce its laws.

Yet treating Haitians differently from other immigrant groups isn't the right way to protect them or solve the problem. There are other ways to deter smuggling trips, such as cracking down on smugglers and increasing border patrol.

The INS has begun releasing some of the 240 detained Haitians who are seeking asylum. Among the released are Haitians who have arrived by plane and whose families can prove they have the income to support them. This is a positive step, but it's not enough.

Illegal boat trips should be discouraged. But Haitians who have a real fear of persecution should be treated the same way other immigrant groups are. To do otherwise isn't fair or just. It's discriminatory.

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EDITORIALS

MISGUIDED INS POLICY

UNFAIR TO HAITIAN ASYLUM SEEKERS

The U.S. Immigration and Naturalization Service continues to detain Haitian asylum seekers, denying them a fair shot at winning their cases on merit. The policy is discriminatory and wrong. It also is "contrary to the norms and principles of international refugee law," according to the Office of the United Nations High Commissioner for Refugees.

The commission's opinion comes as local immigration advocates have sued for release of the Haitian refugees. The lawsuit, which seeks class-action status, charges that the INS has singled out Haitians for mistreatment because of their race and nationality. It also accuses the INS of constitutional violations.

The INS says the Haitians haven't been officially admitted to the United States, don't have constitutional protections and that releasing them is contrary to "the public interest."

The policy has been in place since Dec. 3, when 165 Haitians were brought ashore from an overcrowded boat that foundered near Miami. Now in INS custody, most have been found to have credible fear of persecution. After passing this hurdle, other nationalities are generally released to pursue their cases.

But the Haitians, who now number more than 240, remain locked up and subjected to expedited asylum proceedings. The situation ensures that most Haitian refugees won't be able to find a lawyer, gather necessary documents or prepare adequately to argue the merits of their asylum petitions.

For those fortunate enough to have obtained *pro bono* attorneys, contacting them has become increasingly difficult. That's what attorneys say after having to wait hours to see Haitian clients at INS's Krome detention center and in a county jail.

The INS says that its policy is designed to deter a Haitian exodus.

In court documents, the INS says that its policy is designed to deter a Haitian exodus. Federal officials were concerned "that paroling the migrants from the Dec. 3 vessel might cause others to attempt dangerous maritime departures ... or trigger a mass migration," said Michael Becraft, INS's Acting Deputy Commissioner. Thus, the harsh new policy.

Haitians seeking refuge from threats of death, rape, beatings and other political persecution now get locked up. They remain jailed at taxpayer expense until deported or granted asylum — processes that take months or years.

Using detention to deter asylum seekers "frustrates the ability of individuals to escape harm and seek safety elsewhere," and "cannot be justified," the U.N. commission's report said. The detentions violate international treaties that bind the United States, according to the report.

It says that: "The practice ... of using detention as a means of deterring asylum seekers from seeking protection in any given country or to penalize asylum seekers for their unlawful entry is contrary to the norms and principles of international refugee law."

The INS policy is discriminatory and inhumane. The agency shouldn't wait for a court order to make the morally correct decision. It should treat the Haitians the same as it does other asylum seekers whom it finds eligible. The INS should release them.

FRIDAY, APRIL 26, 2002

THE WALL STREET JOURNAL.

POLITICS & POLICY

PROTECTING JEB? The Congressional Black Caucus complains to Attorney General Ashcroft about new INS policy keeping Haitian asylum seekers in detention instead of releasing them to relatives. The administration says it is to deter a flood of boat people, but critics see a move to insulate Florida Gov. Bush from pressure as he seeks re-election.

**PRESS STATEMENT
HAITIAN ASYLUM SEEKERS
"ASSURING EQUAL JUSTICE FOR ALL"
Ronald Frazier, Sankofa, Chair**

Today, we bestow our thanks to the leadership of Congresswoman Carrie P. Meek, other local and national political leaders, the **Florida Immigrant Advocacy Center**, and the **Haitian community at-large** for their relentless pursuit of protecting the civil rights and the equitable application of immigration laws to all Haitians who make their way – by varied means – to the United States.

This Wednesday, **May 1**, the American Bar Association has designated the commemoration of **Law Day**, under the theme – "*Assuring Equal Justice for All*". As we approach this honorable day celebrating **equal justice**, there are over 200 Haitian men, women and children who are being summarily denied release from detention by the Immigration and Naturalization Service --- primarily on the basis of their nationality. **Equal justice is absent** for these persons of our African Diaspora.

As members of the African Diaspora of Miami-Dade County, especially those of us of **non-Haitian descent**, we strongly denounce this **patently unjust treatment** of these members of our community --- and we no longer believe that this inequitable treatment and application of immigration laws should be tolerated.

Unless, these members of our community and our Diaspora are released from detention, they will **ultimately be denied their day in court**. This **un-American denial of due process**, on the sole basis of nationality, is not only **discriminatory**, but also **unconstitutional** and violates INS' own rules and regulations.

Today, we call upon President Bush, Attorney General Ashcroft and INS Commissioner Ziglar to **PAROLE THESE HAITIAN MEN, WOMEN AND CHILDREN WITHOUT DELAY** - so that they may have access to counsel and more importantly to have their day in court to present their asylum cases.

Today, it is also important to note that on May 1st we will also be celebrating **Haiti Labor Day** and the **beginning of Haitian Cultural Heritage Month** as a community in Miami-Dade County. Our presence here today in calling upon all people of goodwill to speak up for "equal justice" is also a testament to our **Haitian neighbors, family and friends** --- who share a strong work ethic, a deep respect for our community's laws, a recognition of the value of education, an entrepreneurial spirit, and a vibrant and storied culture – that enriches all in our black community and in our community at large. Any one of these currently detained Haitian citizens – could likely be our next neighbor, co-worker, educator, healthcare provider, attorney-at-law or community leader. Their continued detention is a slap against our country's ascription to uphold **equal justice for all**.

We will continue to speak out until there is no more silence on this blatant disregard of American principles. As we celebrate Law Day and Law Week in the coming days, we must promise ourselves and to our community that equal justice is a non-negotiable goal for all in our community. We call upon the INS to release them without delay.

Jistis Pou Ayisyen!

Justice for Haitians!

"Learning From the Past in Building for the Future"

Bush to Face Florida Protests Over Move to Detain Haitians

Critics See Discrimination In Recent INS Directive To Hold Asylum Seekers

By MARJORIE VALBRUN

WASHINGTON—President Bush's visit to Florida next month to plug his brother's gubernatorial campaign will be met by protests over a federal directive requiring immigration officials there to detain Haitian refugees seeking political asylum in the U.S.

Immigration lawyers already have filed a lawsuit asking a federal court in Miami to invalidate the order. And black lawmakers and civil-rights groups have joined in challenging the policy, which doesn't apply to refugees of other nationalities, who are routinely released by the Immigration and Naturalization Service pending resolution of their claims. Critics also accuse the INS of changing asylum rules to give political cover to Florida Gov. Jeb Bush, whose re-election campaign this fall could be hurt by an influx of Haitian refugees.

The INS directive instructs immigration officials to detain Haitian refugees who are deemed by INS officers to have plausible asylum claims; in the past, such people could be released to relatives or sponsors while pursuing their claims. The policy, which applies only in South Florida and is a departure from standard INS practice, prohibits the release of any Haitian refugee without the express approval of INS headquarters.

The policy was implemented Dec. 14, 11 days after a boatload of 167 Haitians was intercepted by the Coast Guard off the Florida coast. The Haitians were taken to Miami, where they were to be permitted to apply for political asylum.

The INS said the directive was necessary to deter thousands of other Haitians from attempting to come to Florida illegally on dangerously flimsy boats, a problem that plagued the first Bush administration and roiled the state in the past.

Officials said they began noticing in November that the number of Haitians picked up at sea was steadily rising. That month, 350 were picked up, compared with 96 during the prior three months combined.

The Congressional Black Caucus and the Miami branch of the National Association

have written strongly worded letters to Attorney General John Ashcroft, saying they understand the administration's concerns but disagree with a policy that singles out and penalizes Haitian refugees.

Last month, Black Caucus member Rep. John Conyers (D., Mich.) visited the Florida detention centers where the Haitians are being held. Two weeks ago, the United Nations high commissioner for refugees called the policy "contrary to the norms and principles of international refugee law" and said it amounts to "arbitrary detention."

The activists are planning demonstrations next month when President Bush is scheduled to be in Florida. "We will be denouncing the racist policy being implemented by the administration against Haitian refugees," said Jean-Robert LaFortune, president of the Miami-based Haitian-American Grassroots Coalition.

Refugee advocates sued in February seeking to force the government to release all Haitian refugees who have applied for asylum; cease using race and nationality as factors in adjudicating requests; and evaluate all pending and future requests for release on a case-by-case basis.

Citing the suit, the Justice Department and White House declined to discuss the Haitian detainees. But in court filings, the government contends the directive wasn't a formal policy change, but merely "a rule change" that "adjusts" the criteria so they "would be applied in a more restrictive manner" on a case-by-case basis.

The government said it had to act to avert another exodus of Haitian "boat people" to Florida. In recent months, there have been a number of politically motivated killings in Haiti, and the political climate on the perpetually troubled Caribbean island has continued to worsen.

"In no way did the race of these detainees influence any of these decisions," Peter Michael Becraft, acting deputy commissioner of the INS, said in a formal declaration in the lawsuit.

The NAACP disputes the government's claim, saying the U.S. interdiction policy, which requires the Coast Guard to stop and repatriate refugee boats bound for the U.S., has been successful in preventing most from reaching U.S. shores. The advocates also question why, if the policy is meant to deter refugees from coming by boat, Haitian refugees arriving by airplane at Miami International Airport also have been detained. As a result, they say the number of Haitian detainees has grown to about 270.

FOR IMMEDIATE RELEASE
Friday, April 26, 2002

Contact: Tola Thompson
202-225-4506

******MEDIA ADVISORY******

PRESS CONFERENCE MONDAY, APRIL 29th

**REP. MEEK & COMMUNITY LEADERS TO CALL FOR
RELEASE OF HAITIAN DETAINEES**

Miami – U.S. Rep. Carrie P. Meek and a cross section of Miami-Dade community leaders will hold a press conference on Monday, April 29th to call for the release of Haitian refugees detained by the Immigration and Naturalization Service (INS) at the Turner Guilford Knight (TGK) Jail and at the Krome Avenue Detention Facility.

Rep. Meek, a long-time critic of the INS's disparate treatment of Haitian refugees, and the leaders will call upon the INS to end its policy of discriminatory, unequal and unfair treatment of Haitian refugees.

"The unfair and often cursory consideration of the immigration claims of Haitian refugees are evidence of a double standard in our immigration policies," said Meek. "Such unequal policies toward Haitians are particularly divisive and damaging to our community. Haitian refugees deserve fairness. Their immigration claims must receive the same consideration as those of all other refugees."

Who: U.S. Rep. Carrie P. Meek; Miami-Dade Commissioner Barbara Carey-Shuler; North Miami Councilman Jacques Despinosse; Vice Mayor Phillip DesRose; Marlein Bastien, Haitian Women of Miami; Atty. Cheryl Little, Florida Immigrant Advocacy Center; Bradford Brown, Ph.D., President, Miami-Dade Branch of the NAACP; and representatives of the Cuban American National Foundation, Filipino-American Association, Asian-American Advisory Board, Coral Gables Congregational Church and others.

When: 10:30 am, Monday, April 29th

Where: 3550 Biscayne Blvd. #500, Miami, FL, 305-576-9303

###

For Immediate Release
Monday, April 29, 2002

Contact: Tola Thompson
202-225-4506

Statement of
U.S. Rep. Carrie P. Meek
Calling for the Release of Haitians Unfairly Detained
by the INS at TGK Correctional Facility and Krome Detention Center

Good morning. I am Congresswoman Carrie P. Meek, the U.S. Representative for the 17th Congressional District of Florida. I am joined this morning by a cross section of community leaders and representatives of this very great and dynamic community. They share my belief that Haitian refugees deserve fairness, but are not receiving it from the INS.

We have come here today to call upon the U.S. Immigration and Naturalization Service to immediately end its unequal and unfair treatment of Haitian refugees, and release those Haitians with legitimate immigration claims, who are currently being held inhumanely at Turner Guilford Knight Correctional Facility, or are being detained at the Krome Avenue Detention Facility.

There is clear and overwhelming evidence which shows that Haitian refugees who come to our country seeking asylum are not treated the same as other refugee groups. While other refugees are often paroled into the community, Haitians are detained for extremely lengthy periods before their asylum claims are even considered.

It is our belief that our U.S. laws should be statues of liberty and justice for all, rather than statues of limitations for those immigrating from Haiti and the Carribean.

I am releasing a copy of a letter which I have sent to INS Commissioner James Ziglar asking him to end the INS' discriminatory practices against Haitian refugees. My letter to Commissioner Ziglar transmits an offer from Barry University President Sister Jean O'Laughlin to have these refugees, some of whom are pregnant women, paroled to the care of the University. President O'Laughlin and Barry University have had successful experience in managing and supervising the release of parolees into the South Florida community. In my letter and again today, I urge the Commissioner to favorably consider Barry's offer and make arrangements to implement it as soon as possible.

In closing, I call upon the INS to ensure fairness to Haitians. All refugees are entitled to receive equal and humane treatment and to have their claims considered fairly regardless of where they come from.

#

AMNESTY INTERNATIONAL

Public Statement

AI Index: AMR 51/000/2002 (Public)
News Service No: 76
29 April 2002

USA: Stop discriminating against Haitian asylum-seekers

Not Published

Amnesty International today expressed concern that asylum-seekers from Haiti are being subject, as a matter of course, to indefinite detention in the USA without adequate opportunity to present their claims for asylum and in conditions which are unsuitable for refugees.

Amnesty International is also disturbed at reports that a substantial number of Haitian asylum-seekers who have shown a credible fear of persecution in Haiti have been ordered deported. The organization fears that more Haitian asylum-seekers may face the same fate.

A lawsuit, filed in mid-March by immigration attorneys and Haitian rights advocates on behalf of Haitian asylum seekers in Miami, Florida, alleges that the US government is discriminating against Haitian asylum seekers, including those who have shown they have a credible fear of persecution in Haiti, by continuing to detain them as their claims proceed, while refugees from other countries are released. Those whose claims are pending include a woman opposition activist who claims she was raped and beaten by a local political leader of the pro-government Lavalas party after she helped campaign for the opposition party.

The lawsuit describes how -- contrary to previous policy under which Haitian asylum seekers who had demonstrated a credible fear of persecution in Haiti were regularly released within a few days of arriving -- the Immigration and Naturalization Service (INS) is holding them for months in overcrowded and unsanitary conditions where they endure harsh treatment and abuse. It also claims that the process for dealing with Haitian asylum claims has been speeded up, depriving applicants of a full and fair opportunity to present their asylum claims, with many going without legal representation as a result. In addition, the lawsuit alleges that efforts to provide legal representation to Haitian asylum-seekers are being severely hampered at detention centres such as the Krome Processing Service Center near Miami and the Turner Guildford Knight Correctional Center (TGK), a maximum security jail in Miami.

Amnesty International is concerned at allegations that women detainees taken to TGK in Miami are suffering especially harsh treatment. This includes: verbal abuse and insults by guards; frequent cell "lockdowns" for hours at a time; and inadequate provision of food, medical care and exercise facilities.

In March, in responding to the lawsuit, the INS admitted that its new policy of detaining Haitian asylum seekers was to deter other Haitians from attempting to enter the USA and to avoid further risk-taking. International standards provide that asylum-seekers should not normally be detained, furthermore the United Nations High Commissioner for Refugees has recently stated that the detention of asylum seekers for deterrence purposes is contrary to international refugee law and that detention of asylum seekers based on national origin is discriminatory and would constitute arbitrary detention.

Amnesty International is calling on the US authorities to fully reinstate the government's previous policy regarding Haitian asylum-seekers; to ensure that all Haitian asylum-seekers have a full and fair opportunity to present their asylum claims; to take immediate steps to ensure the safety and well being of women asylum seekers at TGG; not to deport anyone who has shown a credible fear of persecution; and to find more suitable alternatives to housing asylum seekers than local jails.

Background

The new INS policy was put into place after 167 Haitians were rescued by the US Coast Guard from a boat in difficulties off the coast of Florida in December 2001. More than 270 Haitians with a credible fear of persecution in Haiti have been detained since December. While the INS recently released a small number of Haitian asylum seekers, announcing that it had amended its policy of non-release, Amnesty International understands that this amendment is very limited in that it will affect only a handful of Haitians who arrive in the USA by air (while the majority of Haitians arrive by boat). Moreover, the amended policy still requires Haitian asylum-seekers to complete excessive documentation not required of other groups seeking asylum. Haitians arriving by boat are reportedly still being detained without exception.

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EDITORIALS/LETTERS

Barry U. educator wants to lead effort to free Haitian deta

By Jody A. Benjamin

Staff Writer

Posted April 30 2002

MIAMI • Sister Jeanne O'Laughlin, the community-minded leader of Barry University who last tried to broker a deal for Elián González, now has taken up the plight of Haitians who are being detained while they fight for asylum.

O'Laughlin last week offered to find community sponsors for all 270 detainees and to make sure they appear for their asylum hearings -- if the Immigration and Naturalization Service would release them to her.

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At a news conference Monday called by U.S. Rep. Carrie Meek, O'Laughlin said she was moved by the plight of 60 Haitian women being detained at the maximum-security Turner Guilford Knight Correctional Center. She made a similar gesture 20 years ago when she brokered the release of 300 Haitians to the sponsorship of Barry University

and Fordham University in New York.

"These are not terrorists. These are not people that will harm this country," O'Laughlin said. "These are people that will contribute to this society. They have a right to ask for freedom. We must not deny them that right."

INS said Monday it had not received a formal sponsorship request from O'Laughlin, but if it does, it is willing to consider her offer. Since December, when an INS rule change for Haitians took effect, the agency has released small numbers of Haitians after considering their claims "on a case-by-case basis," said INS spokesman Rodney Germain.

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A plea to INS
See larger in
(Sun-Sentinel
Reich)
Apr 30, 2002

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"If Sister Jeanne wants to support the Haitians, that is not a problem with us," Germain said. "But she will have to show she is able to provide monetary support, housing and food for them. We want to determine that she is able to care for them."

Meek gathered two dozen community leaders Monday to add her voice to a growing chorus calling for federal immigration officials to release the Haitians.

A Democrat whose Miami district includes one of the largest concentrations of Haitian-Americans in the country, Meek criticized INS treatment of noncitizen Haitians, particularly the women at the county jail.

Last week Meek asked INS Commissioner James Ziglar to accept O'Laughlin's offer.

"Today there is clear and overwhelming evidence that Haitian refugees seeking asylum are treated differently," said Meek, whose April 26 letter to Ziglar calls the treatment discriminatory. "We want INS to stop dragging its feet. We want them to stop ignoring legitimate immigration claims and to release the Haitians immediately."

Meek dismissed INS's claim that it changed its policy toward arriving Haitians out of concern for their safety, saying the real reason for the change is election-year politics. The Bush administration in Washington wants to keep boatloads of Haitian refugees away from Florida's shores to protect the fall re-election bid of the president's brother, Gov. Jeb Bush, Meek said.

"They have put political concerns ahead of humanitarian issues," Meek said.

Gov. Bush on Monday rejected Meek's charge as "ridiculous" and "ludicrous."

"The accusation that this has something to do with my campaign is ridiculous. It has nothing to do with it," Bush said.

Bush said INS should stick to its policy of paroling asylum seekers who have demonstrated credible fear of persecution to asylum officers.

"I don't think we should have a policy that encourages people to risk their lives to come to our country," Bush said. "But where the INS agrees that [the Haitians] have a credible fear of persecution, they should not be detained."

The plight of the Haitian detainees, particularly that of the jailed women, is drawing the attention of a growing number of groups, from the Catholic Church and the U.N. High Commissioner for Refugees, to local community groups representing blacks, Cuban-Americans and others.

Saying they are trying to draw national attention to the issue, a number have written letters to Attorney General John Ashcroft and

INS Commissioner Ziglar appealing for the Haitians' release. Some say they are planning a demonstration next month when President Bush is scheduled to visit South Florida.

"Other issues we have seen dealing with refugees have been a little fuzzy and less clear," said Miami lawyer H.T. Smith. On Monday he appeared for Sankofa, an informal network of black professionals from the United States and the Caribbean who support the Haitians' release. "But on this issue, it's clear-cut discrimination. I feel comfortable in saying that my government is wrong."

Others agreed.

"We support fair treatment for all refugees, including Haitians," said Jose Basulto, president of Brothers to the Rescue, which has searched for Cuban migrants crossing the Florida Straits.

On Dec. 3, an overloaded boat carrying 167 Haitians ran aground in Biscayne National Park. INS subsequently changed its rules toward Haitians seeking political asylum, declining to release most of them as a way of preventing other Haitians from attempting dangerous sea crossings on flimsy boats.

Since then, about 100 Haitians have arrived in South Florida by plane, according to the Florida Immigrant Advocacy Center, which has tracked the cases and filed a federal discrimination lawsuit seeking their release.

Separate from the women, Haitian men are held at the INS's Krome detention center, unaccompanied children at the Catholic Charities Boys Town shelter and families with children at a local motel.

Advocacy center Director Cheryl Little said the Haitian detainees are being given overly quick asylum hearings -- often without attorneys -- by immigration judges transferred to Krome to handle the backlog. Some of the hearings last only a half-hour, including translation, Little said.

Jody A. Benjamin can be reached at jbenjamin@sun-sentinel.com or 954-356-4530.

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Sister Jeanne O'Laughlin speaks out about the plight of Haitian women detainees while attending a press conference with attorney Cheryl Little and U.S. Rep. Carrie Meek.
(Sun-Sentinel/Judy Sloan Reich)

Apr. 30, 2002

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BARRY UNIVERSITY PRESIDENT OFFERS HELP TO FIND SPONSORS FOR DETAINED HAITIANS

(MIAMI SHORES --) Sr. Jeanne O'Laughlin, Barry University president, has again stepped up to fight immigration injustice. Again, it's the plight of innocent mothers and children that spur her involvement.

Today, Sr. Jeanne offers her assistance in helping place into the community about 45 Haitian women being held in INS custody at the Turner Guilford Knight Correctional Center. She also offers assistance for an additional 30 Haitians (generally mothers with young children) now held in a Miami-area hotel.

"My concern as a citizen is the injustice meted out to women who risked everything to come to this country," she said. "These women are not terrorists. They are not criminals," he added. "They are women with incredible fear of persecution should they be returned to Haiti."

Twenty years ago in a similar case, U.S. District Judge Eugene Spellmen appointed Sr. Jeanne as special master to oversee parole arrangements for 300 Haitians. Barry University helped oversee placing detainees with sponsors in the community. "To my recollection," Sr. Jeanne said, "We lost track of fewer than 12 people."

She also intervened again in 1992, when she learned that three young Chinese women had been held for 14 months under house arrest at a Miami International Airport hotel room. Ultimately she gained their freedom, and enrolled them in Barry classes.

About the same time, Sr. Jeanne took in two more detainees--a Romanian couple, Viorel and Emilia Ivan. Both were being held while trying to escape political persecution in their homeland. Emilia was eight months pregnant. Sr. Jeanne gave them a place to live and jobs at Barry.

There have been several other examples of her involvement, including an Iranian couple and their two children, a Chinese baby, and Elian Gonzalez.

"While being detained in sometimes-deplorable conditions, these Haitian women have no real access to legal assistance," she said. "That's patently unfair. The rules of the INS should be equal and uniform as applied to all asylum seekers."

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Haitian advocates, Rep. Meek meet to push for release of asylum-seekers

BY ELAINE DE VALLE

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One woman says she was beaten and raped by a local leader of Haiti's ruling Lavalas party after she campaigned for the opposition.

Another recounts being chased by a progovernment mob armed with machetes.

A member of a religious group says Lavalas members shot at his house after a journalist broadcast an interview in which he said Haiti was not "a true democracy."

They are among more than 240 Haitians currently held indefinitely — and illegally, according to advocates — while their asylum cases are considered.

Last year, many of them likely would have been released on parole while their asylum claims were reviewed. But after a Dec. 3 voyage that brought ashore 187 refugees, two of whom drowned before rescuers could arrive, the Immigration and Naturalization Service changed its practice to discourage a mass exodus from the Caribbean nation.

Six attorneys who filed a federal lawsuit last month to demand their release say the new policy is unconstitutional. On Monday, they were joined by Haitian, African-American, Asian and Cuban community leaders at the district office of U.S. Rep. Carrie Meek to demand the release of all Haitians with a credible fear of persecution while their petitions are considered.

"This here is a cross section

of the community, people from all walks of life — all races, ethnicities, religions," Meek said. "We want justice for Haitian refugees. We want to call on INS to immediately stop dragging their feet."

ALL SUSCEPTIBLE

Said Jorge Mursuli, the new Florida director of People for the American Way Foundation, a civil rights group: "If it can happen to some, it can happen to all of us."



MEEK

Cheryl Little, executive director of the Florida Immi-

grant Advocacy Center, said the refugees' rights to due process and equal treatment under the law have been violated and that it's difficult for them to work on their petitions from behind bars. She says all of the refugees in the class-action suit have passed a preliminary threshold of credible fear of persecution if they return to Haiti.

OFFER OF ASSISTANCE

Sister Jeanne O'Laughlin, president of Barry University and a longtime refugee advocate, made public her offer last week to provide housing and other needs for the refugees, particularly the women and children. In 1982, Barry stepped up for more than 300 Haitians who needed a sponsor to assure the INS that they would not become wards of the state.

"It seems that history is repeating itself and our Haitian brothers and sisters are once more wrongly incarcerated," O'Laughlin said.

"These are not terrorists. These are not people who will harm this country. These are people who need to be free. They are behind bars that bar them," she said, pausing to collect herself, "from human consolation and the right to ask for freedom."

The attorneys' case hinges on a 1985 Supreme Court ruling barring the INS from using race and national origin as criteria for determining parole.

But INS officials have acknowledged, in a motion responding to the lawsuit, that this change of rules applies to Haitians only.

COURT STATEMENT

Peter Michael Becraft, acting deputy INS commissioner in Washington, said as much in a statement filed with the court in March.

"In the wake of this sharp increase in dangerous maritime departures from Haiti," Becraft wrote, "adjusting the INS's parole criteria" would be a "reasonable step" to discourage future trips.

But many of the advocates and community leaders Monday said there was "no evidence" of a mass exodus despite chronic political turmoil since disputed legislative elections in May 2000, in which the opposition accuses President Jean-Bertrand Aristide's Lavalas Party of stifling dissent.