

AMNESTY INTERNATIONAL

Public Statement

AI Index: AMR 51/066/2002 (Public)
News Service No: 76
29 April 2002

USA: Stop discriminating against Haitian asylum-seekers

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 TKG; 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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