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March 11, 2011

U.S. Immigration and Customs Enforcement (ICE)  
500 12th St., SW  
Washington, D.C. 20536

Re: Comments on Policy for Resumed Removals to Haiti

To Whom It May Concern:

On behalf of the American Bar Association, I write in response to the request for input on the proposed "Policy for Resumed Removals to Haiti."

Due to serious humanitarian concerns, the American Bar Association urges a cessation of deportations to Haiti until further infrastructure has been developed and the country is in a better position to receive deportees. The January 12, 2010 earthquake killed over 200,000 Haitians and displaced over 2 million people. One year later, Haiti is extremely fragile and currently threatened by a severe cholera outbreak that has spread to all levels of the population, including the remaining prisons where deported Haitians may be held upon return. The resumption of removals of criminal aliens poses a serious threat to the vulnerable and largely displaced Haiti population, as well as to those selected for removal.

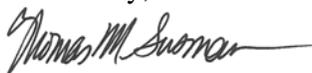
The ABA believes a full halt to removals, until conditions within Haiti significantly improve, would be the most appropriate course of action.

Additionally, the American Bar Association urges U.S. Immigration and Customs Enforcement to limit the detention of individuals who do not present a threat to national security or public safety. The proposed Policy states that it is "limited to aliens with a final order of removal who pose a threat to the public safety given their previous serious criminal offense or history." However, the ABA has communicated with many Haitian nationals who were released into the community after receiving a final order of removal, but were then re-detained in December 2010 or January 2011. These individuals remain in detention even though they attest to having only minor or non-violent convictions. Haitian nationals who do not present a threat to national security or public safety should not remain in immigration detention at the expense of the United States.

Ceasing removals to Haiti is an opportunity to demonstrate respect for the struggling Haitian people, and the human rights of civil immigration detainees who would face crushing conditions upon return.

We appreciate the opportunity to provide these comments.

Sincerely,



Thomas M. Susman