January 9, 2013

Secretary Janet Napolitano
Department of Homeland Security
U.S. Department of Homeland Security
Washington, DC 20528

Dear Secretary Napolitano,

We write regarding our grave concerns arising from documents obtained through a Freedom of Information Act (FOIA) request and related lawsuit filed by our organization, Americans for Immigrant Justice ("AI Justice"), surrounding the government’s policy to resume removals of Haitians following the January 2010 earthquake.¹

As an international human-rights leader, the United States has a moral imperative to adopt fair and thoughtful policies concerning Haiti and its people, particularly in light of the humanitarian crisis that persists in the wake of the catastrophic earthquake. Yet, as set forth below, the government’s policy surrounding the post-earthquake resumption of removals to Haiti was anything but fair and thoughtful. Indeed, several FOIA-released documents show a callous disregard on the part of certain Department of Homeland Security (DHS) officials involved in formulating what eventually materialized into the April 1, 2011 Policy for Resumed Removals to Haiti.

We were deeply disheartened when, in December 2010, the government began rounding up Haitians from their homes and tearing them apart from their families, with no advance warning. In many instances these Haitian men and women, including many longtime residents of the United States, were transported to far-away immigration detention centers where access to family and legal counsel was extremely limited. We struggled to understand the government’s actions while we attempted to advocate on behalf of those detained, including some who engaged in hunger strikes and threatened suicide on account of the desperation felt.

¹ See Americans for Immigrant Justice v. U.S. Immigration and Customs Enforcement, No. 1:12-cv-0038-RMC (D.C. Cir.). AI Justice is formerly known as the Florida Immigrant Advocacy Center, or FIAC, and this was the name under which the initial Freedom of Information Act request was filed in December 2010.
Because the government’s policy regarding the resumption of removal remained shrouded in secrecy—despite this Administration’s promise of unprecedented transparency—AI Justice was compelled to file a FOIA request, and later a lawsuit, in an attempt to understand, among other things, the government’s policy concerning the resumption of removals to Haiti following DHS’s suspension of such removals. We are troubled by what has been gleaned from the documents provided thus far. We have learned, for example, that high-ranking officials acted without the appropriate care and concern warranted under the circumstances, contrary to the government’s pronouncements regarding its commitment to help the Haitian people.

We expect more from our government concerning the treatment of Haitians, and we call upon DHS and the Administration to respond to the concerns and questions raised below. We further request the convening of a formal working group—to include both key decision-makers and members of the advocacy community—to discuss the formulation and implementation of humane policies concerning the detention and removal of Haitian nationals going forward. Finally, we request that the Administration uphold its promise of transparency by providing, without the need for a further FOIA request, the information set forth in Part III, below.

I. Background.

A. The Department of Homeland Security Responds To A “Disaster of Historic Proportions” In Haiti.

Haiti is the poorest nation in the Western hemisphere and is constantly gripped by political violence, instability, financial troubles, and weather-related catastrophes. In the wake of Haiti’s ever-present challenges, a 7.0-magnitude earthquake struck the small Caribbean country on January 12, 2010. The death toll was staggering—now estimated at more than 300,000—with some 1 million more left homeless. Port-au-Prince, Haiti’s capital city, was all but destroyed; still-standing hospitals overflowed with victims; food and water shortages plagued survivors; fuel shortages dogged attempts to get help to those in need; and the country’s critical infrastructure had crumbled.\(^2\) Haiti was already the poorest country in the Western hemisphere at the time of the quake, with 80% of the population living under the poverty line and 54% in abject poverty. The earthquake served to compound these problems exponentially, inflicting $7.8 billion in damage and causing the country’s GDP to contract by 5.4% in 2010.\(^3\)

Shortly following the earthquake, DHS released a statement calling the situation in Haiti “a disaster of historic proportions.” The agency pledged, as part of the Administration’s


“continuing efforts to support Haiti’s recovery,” to provide a temporary refuge for Haitian nationals currently in the United States and whose personal safety would be endangered by returning to Haiti. To this end, DHS and Immigration and Customs Enforcement (ICE) announced a suspension of all removals to Haiti, and designated Temporary Protected Status (TPS) for Haitians, given the size of the destruction and humanitarian challenges Haiti faced.

B. Despite Public Promises to Support Haiti and Its Recovery, ICE Officials Quickly Pushed to Remove Haitian Nationals to a Devastated Haiti.

Notwithstanding DHS’s recognition that Haitians could not safely return to their country—and the agency’s own assessment of the grave situation that Haiti faced—officials within ICE began pressing to remove Haitian nationals present in the U.S. to Haiti within mere weeks after the earthquake, according to documents produced by ICE.  

One internal email chain reveals the involvement of ICE Director John Morton and Assistant Deputy Director Beth Gibson in these early efforts to resume removals, despite the country’s volatile and unsafe conditions. In a February 18, 2010 email communication involving officials within ICE, Gibson posits a question regarding when removals to Haiti might be resumed. The response Gibson receives provides alarming insight into the dangerous and dramatic conditions present in Haiti at the time:

That’s a tough one. The prison was destroyed so we’d have to look at [Government of Haiti] capacity (or desire) to take on any more [deportees]. Right now I know [Haitian National Police] and [redacted] are driving through bad areas of town shooting escapees on sight. I don’t think incarceration is contemplated just yet. That said, we can explore but its [sic] probably a wee early to give it serious push until they rebuild infrastructure.

(Ex. 1.)

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5 Selected FOIA-produced documents referenced herein are included as exhibits to this letter.

6 This particular email exchange is troubling in another respect because it reveals a lack of knowledge on the part of a key ICE official involved in the decision-making process as to whether Haiti would jail individuals upon return. It was known at the time that Haiti had routinely jailed certain individuals returned to Haiti from the United States. See, e.g., U.S. State Dep’t., Country Reports on Human Rights Practices, 2008 Haiti (Feb. 25, 2009).
Gibson also learns that ICE’s Detention and Removal Operations sent a feeler to a Department of State (DOS) contact at the U.S. Embassy in Port-au-Prince as early as February 5—barely three weeks after the earthquake—regarding the potential for resumption of removals. The DOS contact reportedly pushed back, saying, “I think business will take a long time to get back to normal.” Undeterred, Gibson forwards the entire exchange to Director Morton, telling him that she will keep working on it, and that it was “[n]ot the end of the road” for pressing the resumption of removals to Haiti. Other documents produced reflect DHS’s robust and persistent efforts to resume removals to Haiti at a time when the international community toiled to rescue Haiti from the devastation.

Moreover, the public messaging surrounding the resumption of removals differed markedly from the internal dialogue within ICE. In a March 31, 2010 email, Gibson informs Director Morton, among others, that “ICE proposes to approach Haiti to remove Haitians who entered the U.S. after the TPS cut off date,” and further explains:

As you know, we suspended removals immediately after the earthquake. Once TPS was granted, the suspension essentially ended other than for TPS-eligible Haitians, although removals have not started due to the sensitivities related to the situation in Haiti. Over the last several months, however, the Coast Guard has interdicted more than 300 (as I understand it) Haitians at sea and has repatriated them without problem. This suggests removals, at a slow and reasonable pace, could begin.

(Ex. 2.)

At this point, the public had not been made aware that the “suspension of removals had essentially ended,” as Gibson asserts. Indeed, in ICE’s “Policy for Resumed Removals to Haiti,” announced to the public on April 1, 2011, DHS stated that it was not until “after a year of suspended removals” that “the U.S. government made the difficult decision to restart removals of a limited group of Haitian nationals . . .”7 This public statement hardly reflects reality: that soon after the earthquake—as the world watched Haiti’s suffering unfold—officials within ICE were feverishly working to send Haitian nationals back to the devastated country, placing all concerned at risk.

C. ICE Acts to Resume Removals As It Learns That “Extremely Virulent” Cholera Outbreak Sweeps Across Haiti.

An internal email entitled “Cholera Outbreak in Haiti” shows that high-ranking officials within ICE made a decision to resume removals just days after learning of an “extremely

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virulent” outbreak of cholera. (Ex. 3.) According to the email, the Haitian government expressed grave concerns that it would be “unable to adequately halt or slow the spread of Cholera.” The communication, which ultimately was circulated to Director Morton, Gibson, and several others, reports that the cholera outbreak had killed 138 and spread to 1,500 others by October 21, 2010. Several days later, a “Memo proposing removals to Haiti,” dated October 26, 2010, was distributed to a number of the same ICE officials that had just been made aware of the extremely virulent cholera outbreak. (Ex. 4.) Shortly thereafter, an email was circulated reflecting a decision that the policy to suspend removals would be lifted. (Ex. 5.)

Without warning or announcement to the public, ICE began a multi-state operation to re-detain Haitian nationals for the purpose of removing them to Haiti. Following ICE’s round-up blitz, Barbara Gonzalez, spokeswoman for ICE, told the Associated Press that U.S. immigration authorities would resume deporting some Haitians with criminal records back to the struggling Caribbean country beginning in January 2011. (Ex. 6.) Later reports confirmed that many of those rounded up for deportation had only minor or no criminal offenses, and also compelling factors that should have precluded removal, such as serious illnesses and strong ties to their communities in the U.S.⁸

D. The Public’s Outcry and ICE’s Questionable Response to a Congressional Inquiry.

ICE’s December 2010 announcement to resume removals naturally triggered a public outcry, given, among other things, the perilous conditions still present in Haiti; the State Department’s warning that it was not safe to travel to Haiti due to recent political unrest; and the “extremely virulent” cholera epidemic sweeping the country.

Among those concerned was Representative Bennie Thompson, ranking member of the House Homeland Security Committee, who apparently made a congressional inquiry into the resumption of removals in December 2010. (Exs. 7, 8.) An internal ICE email regarding the inquiry shows considerable confusion among officials regarding the facts surrounding the resumption of removals. Most notably, Gibson writes to a colleague, Daniel Ragsdale:

ERO provided me figures today [December 27, 2010] – 110 Haitian removals since earthquake. One of the 110 was removed to France. But, the number seems high where all the material says no removals since the

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earthquake. Maybe all VR? Stew on it. I may need your help to think it through after a full briefing from ERO and OPLA on Thursday.

(Ex. 8.)

The exchange continues into a discussion regarding the “scrubbing of manifests” – presumably referring to the deportation-flight manifests to Haiti:

Ragsdale: 10-4. We can always asked [sic] them to scrub the manifests? I-216’s? That does seem high.

Gibson: They are scrubbing for Thursday. I’ll keep you posted. Trying not to pre-judge.

Ragsdale: Hard to do, but laudable.

Obviously this email chain raises more questions than answers: As Gibson herself asks, why did the numbers from December 2010 show that 110 Haitians had already been removed, given that the public had been told that the removal of Haitians would not restart until January 2011? Were some with no criminal histories removed despite the policy that contemplated otherwise? Did ICE conceal information from Representative Thompson in response to his inquiry? Even if the effort to “scrub” the manifests refers to something innocuous—i.e., a scramble to ascertain the correct information—at a minimum, this exchange reveals the large measure of disconnect among the ranks within DHS over an issue of critical importance. And it raises questions concerning ICE’s candor in response to a congressional inquiry.

II. The Protracted Humanitarian Crisis In Haiti Warrants The Formulation of A More Humane Policy Toward Haitian Nationals.

We are troubled to learn, from the documents produced, that DHS failed to meaningfully consider the hardship Haiti would face by the resumption of removals, and the human lives that would be endangered upon return. We believe the resumption of removals to Haiti falls short of international human rights standards.

From the beginning, advocates warned that the resumption of deportations to Haiti could be tantamount to death sentences for those returned to Haiti in the wake of a cholera-outbreak and other life-threatening conditions. Illustrative is the case of Wildrick T. Guerrier – a longtime lawful permanent resident and one of the first post-earthquake deportees. Upon his return to Haiti, Mr. Guerrier was detained for a week in a Haitian prison under inhumane conditions. He died from cholera-like symptoms shortly after his release from the prison.9

9 See US Reviews Care of Deported Haitian Who Died, Associated Press (Sept. 20, 2011), http://online.wsj.com/article/APc100abc244db4732b2ac6a25ea31172.html; University of Miami Immigration and Human Rights Clinics, et. al., Deportations, Detention and Death: The
In early January 2011, several advocacy organizations, including Americans for Immigrant Justice, petitioned the Inter-American Commission on Human Rights (IACHR) to instruct the United States to halt the deportations. Within weeks, the IACHR issued an order urging the United States not to deport the Haitian petitioners to Haiti and expressing serious concern about placing people with medical conditions in life-threatening conditions.

Indeed, several international human-rights bodies have since roundly criticized our government’s policy concerning post-earthquake deportations, and further have called upon the United States government to change its existing policies by, among other things, halting deportations to post-earthquake Haiti. The United Nations High Commissioner for Refugees (UNHCR), the United Nations Office of the High Commissioner on Human Rights (OHCHR), and the United Nations Independent Expert on the Situation of Human Rights in Haiti have called for a halt to deportations to Haiti.\(^\text{10}\) In his June 4, 2012 report, the UN Independent Expert, Michel Forst, emphasized the human rights concerns raised by resuming deportations in light of “the government’s instability, the shortages of resources in Haiti, the conditions under which forcibly-returned individuals are detained, and the severe humanitarian consequences — including separation of family members and exposure to deadly diseases.”\(^\text{11}\)

This past August, AI Justice joined fellow advocates in a letter calling on the Administration to cease all deportations to post-earthquake Haiti, and expressing concerns that DHS is not implementing its April 1, 2011 Policy for Resumed Removals to Haiti in a way that adequately protects individuals with compelling humanitarian factors.\(^\text{12}\) The letter highlights recent reports concerning the protracted humanitarian crisis that continues to plague Haiti.

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including what the Pan-American Health Organization has called “one of the largest cholera epidemics in modern history.” As of August 20, 2012 the cholera epidemic had killed 7,519 Haitians, and sicken 580,000 others.

More recently, on November 16, 2012, the Inter-American Commission issued a statement calling upon the United States “to suspend deportations to Haiti of persons of Haitian origin who have are seriously ill or who have family members in the United States, especially when those family members are children and those at risk of deportation were the family’s primary breadwinners.” The Commission found that the information presented to the Inter-American Commission indicates that the individuals who were deported allegedly do not have access to adequate medical care in Haiti, and the satisfaction of other basic needs is further affected by the weak structure of the Haitian State following the 2010 earthquake. In addition, many individuals apparently have been deported despite presumed family ties in the United States, where they were the main income providers. The Commission further expressed concern that the United States had violated the Commission’s precautionary measures, which had urged the United States not to deport individual Haitian nationals with serious medical conditions or family ties in the United States. *Id.*

III. Requests and Recommendations.

We continue to join with others in calling on the Administration to immediately stop deporting Haitians given the ongoing humanitarian crisis that includes lack of access to food, clean water, housing, healthcare, and other life-threatening conditions. We further call on the Administration to:

- respond to the concerns raised in this letter, including but not limited to providing an explanation of the meaning of the email communications surrounding Representative Thompson’s inquiry;
- uphold the promise of transparency by providing information concerning those subject to removal under the government’s policy, specifically to include information surrounding the discretionary decisions made under the April 1, 2011 policy; the nature of efforts made to inform detainees of the policy surrounding removal to Haiti and related discretionary standards; and background information concerning all those deported thus far (including medical conditions, family ties in the United States, and criminal histories);
- convene a formal working group—to include both key decision-makers and members of the advocacy community—to discuss the formulation and implementation of humane policies concerning the detention and removal of Haitian nationals going forward.

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We thank you in advance for giving your prompt attention to our concerns.

Sincerely,

Americans for Immigrant Justice

[Signature]
Cheryl Little
Executive Director

[Signature]
Lana Chiariello
Director of Litigation

cc: Representative Bennie G. Thompson
Chairman, Homeland Security Committee
2466 Rayburn HOB
Washington, D.C. 20515

Secretary Hillary Rodham Clinton
U.S. Department of State
2201 C Street NW
Washington, D.C. 20520

Enclosures: Exhibits 1-8
Morton, John

From: Gibson, Beth N
Sent: Thursday, February 18, 2010 10:02 AM
To: Morton, John
Cc: Barr, Suzanne L
Subject: Fw: Haiti

John, Pursuant to your inquiry, I will keep working it with and Jim, fully aware of careful coordination with DHS and GoH. Looks like DRO sent a feeler on Feb. 5. Results noted below. Not the end of the road.

----- Original Message ----- 
From: Gibson, Beth N
To: Chaparro, James; Venturella, David
Cc: Pena, Alonzo R;
Sent: Thu Feb 18 08:15:18 2010
Subject: RE: Haiti

Beth-

They do "detain for processing"

DRO has reached out to our DOS contact at USEmbassy PAP on February 5th with an informal inquiry as to when they thought we might be able to start back up with removals, and the response we got back was "I think business will take a long time to get back to normal and I hope this service will be available again in future"

Acting Chief of Staff
Office of the Director
Detention & Removal Operations
Work (202) 732-3390
Fax (202) 732-3115

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-----Original Message----- 
From: Gibson, Beth N
Sent: Thursday, February 18, 2010 7:55 AM
To: Chaparro, James; Venturella, David
Cc: Pena, Alonzo R;
Subject: Re: Haiti

Do they jail our detainees upon return? This is an exploration phase.

----- Original Message ----- 
From: Gibson, Beth N
To: Chaparro, James; Venturella,
Cc: Pena, Alonzo R;
Sent: Thu Feb 18 07:32:59 2010
Subject: Re: Haiti

EX. 1
2011FOIA4250.000398
That's a tough one. The prison was destroyed so we'd have to look at GOH capacity (or desire) to take on any more crims. Right now I know HNP and [censored] are driving through bad areas of town shooting escapees on sight. I don't think incarceration is contemplated just yet. That said, we can explore but it's probably a wee early to give it a serious push until they rebuild infrastructure.

Sent using BlackBerry

----- Original Message -----  
From: Gibson, Beth N  
To: Chaparro, James; Venturella, David  
Cc: Pena, Alonzo R.  
Sent: Thu Feb 18 07:22:31 2010  
Subject: Haiti  

CG has repatriated Haitians without GoH issues. What is your sense of working with GoH to slowly begin criminal removals?
ICE proposes to approach Haiti to remove Haitians who entered the U.S. after the TPS cut off date. Our highest priority is the removal of criminal Haitians. Detained Haitians with a final order are a higher priority than non-final order. As you know, we suspended removals immediately after the earthquake. Once TPS was granted, the suspension essentially ended other than for TPS-eligible Haitians, although removals have not restarted due to the sensitivities related to the situation in Haiti. Over the last several months, however, the Coast Guard has interdicted more than 300 (as I understand it) Haitians at sea and has repatriated them without problem. This suggests removals, at a slow and reasonable pace, could begin.

With this email, I will ask DRO to send a copy of the TPS guidance issued to the field soon after the earthquake.

Thanks

Beth N. Gibson
Senior Counselor to the Assistant Secretary
Immigration and Customs Enforcement
202-732-
Thanks, Al.

The Miami FOD is monitoring closely with our partners at CBP, HSTF-SE and Southcom. While Cholera isn’t transmitted person to person, we asked IHSC this morning to be sure that we have planning underway to treat individuals that may have Cholera and then arrive via sea or air in our normal patterns of interdictions.

So far we have no one with the infection but will continue to watch developments.

JC

Jim Chaparro  
Executive Associate Director  
Enforcement & Removal Operations  
U.S. Immigration & Customs Enforcement  
Department of Homeland Security

(202) 732

From: Pena, Alonzo R  
To: Chaparro, James; Dinkins, James A  
Cc: Barr, Suzanne E; Gibson, Beth N; Ragsdale, Daniel H  
Sent: Fri Oct 22 16:02:06 2010  
Subject: Fw: Cholera Outbreak In Haiti

John,

At this time information regarding a cholera outbreak in Haiti is being reported throughout the department. I participated in a NOC lead conference call at 1800 hrs and the details of that call are highlighted in the below message. The concern is that the outbreak has the potential to be a trigger for a mass migration.

No immediate action is required at this time. Situational awareness and a review our OVS plan will serve to ensure ICE is in position to respond if necessary.

Al

From: Pena, Alonzo R  
To: Krolloff, Noah  
Morton, John  
Pena, Alonzo R  
Subject: Re: Cholera Outbreak In Haiti

Thanks,
To all,

About an hour ago, I got a call from USAID. As per the attached graphics, there is a Cholera outbreak in Haiti north of Port-a-Prince. The concern is that the Haitian Government will be unable to adequately halt or slow the spread of Cholera. This strain of Cholera is extremely virulent. As of October 21, there were 1,500 reported cases and 138 deaths. USAID wanted us to know that currently there is no indication of a mass exodus from the island, but this could trigger such an event.

Actions so far. I have contacted ADM Papp and advised him of the situation. I initiated a conference call with Al Pena from ICE and RADM Baumgartner the District 7 Commander. Each is looking at plans to increase surveillance in the area.

The NOC will continue to monitor the situation and report any significant activity.

Acting Director, Operations Coordination and Planning
Department of Homeland Security
Office: (202) 282-

Vigilance, Unity, Resilience - Comprised of Many, Performing As One
Barr, Suzanne E.

From: Gibson, Beth N <ble, brc>
Sent: Wednesday, October 27, 2010 2:30 PM
To: Barr, Suzanne E
Subject: Fw: Memo proposing removals to Haiti 10 26 2010.docx
Attachments: Memo proposing removals to Haiti 10 26 2010.docx

Beth Gibson
Assistant Deputy Director, ICE
202-732
202-590

From: Sandweg, John <ble, brc>
To: Gibson, Beth N <ble, brc>, Grossman, Seth
Sent: Tue Oct 26 16:00:58 2010
Subject: Fw: Memo proposing removals to Haiti 10 26 2010.docx

I think we need to ___

From: Gibson, Beth N <ble, brc>
To: Sandweg, John <John.Sandweg@dhs.gov>, Barr, Suzanne E <ble, brc>, Vincent, Peter S; Cháparro, James
Cc: Barr, Suzanne E <ble, brc>
Sent: Tue Oct 26 15:29:19 2010
Subject: Memo proposing removals to Haiti 10 26 2010.docx

John, Please find a prediscussion draft addressed to you. Please let me know if you prefer we restyle the memo. Just called asking whether we would be distributing a draft. Thanks.
Barr, Suzanne E

From: Gibson, Beth N
Sent: Wednesday, November 10, 2010 4:14 PM
To: Sandweg, John; Barr, Suzanne L; Gibson, Beth N
Subject: Re: Haiti

Thank you. We will keep you posted as we re-detain.
Beth Gibson
Assistant Deputy Director, ICE
202-732- (w)
202-590- (c)

From: Sandweg, John
To: Barr, Suzanne E
Sent: Wed Nov 10 16:09:58 2010
Subject: Haiti

Deputes Committee went fine. The policy was lifted. As such, I believe we are good to proceed as planned and should begin to re-apprehend those previously released.

John R. Sandweg
Department of Homeland Security
202-282-
202-549-
(cell)
Morton, John

From: Gibson, Beth N
Sent: Saturday, December 11, 2010 4:18 PM
To: Morton, John
Cc: Beth Gibson
Subject: Fw: Stories regarding resumption of removals

Beth Gibson
Assistant Deputy Director, ICE
202-732 (w) 202-690 (c)

From: Gonzalez, Barbara
To: Gibson, Beth N; Hale, Brian P; Chandler, Matthew
Cc: Matt, et al.
Sent: Sat Dec 11 16:06:14 2010
Subject: Fw: Stories regarding resumption of removals

Matt, et al:

Here is the AP brief that ran regarding the resumption of removals.

From: Hoffman
To: Gibson, Beth N; Hale, Brian P; Chandler, Matthew
Sent: Sat Dec 11 15:48:01 2010
Subject: Stories regarding resumption of removals

The Miami Herald
Posted on Fri, Dec. 10, 2010

US set to resume some deportations to Haiti

The Associated Press

U.S. immigration authorities will resume deporting some Haitians back to the struggling Caribbean country.

Immigration and Customs Enforcement spokeswoman Barbara Gonzalez said Friday that the U.S. expects to begin flying deportees with criminal records back to Haiti in January in coordination with Haiti's government.
Gonzalez says ICE is must deport people with criminal records or release them "if their repatriation is not reasonably foreseeable."

The U.S. temporarily stopped deporting Haitians after the Jan. 12 earthquake.

Advocates and immigration attorneys say conditions in Haiti have not improved enough for deportations to resume. A cholera outbreak began in October, and the State Department on Thursday issued a travel warning for Haiti because of political unrest.

Read more: http://www.miamiherald.com/2010/12/10/v-print/1968067/us-set-to-resume-some-deportations.html#ixzz17q26ARor
Good Morning

I was hoping to talk to you today at the daily brief, but realized it was canceled for today. In any case, yesterday my acting AD and I had a conversation with the new acting head of immigration policy for DHS. She had some inquiries about the Haitian removals. She was hoping to get some details on our recent operation and what is the timetable for removal. Specifically she was looking to see if we had an estimate of the number of removals we could expect in the first quarter. I remember you stated that we had picked up 93 out of 140 targets, but I wanted to reach out to you to make sure I have accurate information. I don't want to pass along anything that is not correct or that can't be disseminated outside of ICE. I would appreciate any information you can provide that I can forward to DHS.

Also just to let you know it looks like we did receive a Congressional Inquiry in regard to the Haitian removal. Exec Sec tasked our office to provide a response to a letter from Bennie Thompson, the current Chairman of the House Homeland Security committee, who is requesting the information on which ICE based its decision that safe removals would be possible. Originally the task went to me I assume she is with ERO taskings, who responded that after discussing the letter with ERO Removals determined that this letter needed to go to someone at the ICE level since ERO Removals does not make the decision to suspend/reinstate removals to a particular country they only carry out instructions given to them by their ICE superiors and therefore could not answer Rep. Thompson's concerns about the decision to remove people to Haiti because it was not their decision. Exec Sec. in turn tasked us, but as we were not involved in any of these discussions I suggested that they contact either someone in the front office or in ERO leadership. I also suggested they consult with OCR since this is a Congressional inquiry. We have not been involved with this at all, so it is not something we could address. Anyway I wanted to give you a heads up, since otherwise it has been relatively quiet on this operation. If you wish to review the letter you can find it in SharePoint folder Rep Bennie G Thompson re ICE resuming removal proceedings for Haitian Criminal Aliens). Thanks.
Ragsdale, Daniel H

From: Ragsdale, Daniel H
Sent: Monday, December 27, 2010 5:56 PM
To: [Redacted]
Subject: Re: [Redacted] Rep Bennie G Thompson re ICE resuming removal proceedings for Haitian Criminal Aliens

Hard to do but laudable.

From: Gibson, Beth N
To: Ragsdale, Daniel H
Sent: Mon Dec 27 14:49:05 2010
Subject: Re: Rep Bennie G Thompson re ICE resuming removal proceedings for Haitian Criminal Aliens

They are scrubbing for Thursday. I'll keep you posted. Trying not to pre-judge.
Beth Gibson
Assistant Deputy Director, ICE
202-732- [Redacted] (w)
202-590- [Redacted] (c)

From: Ragsdale, Daniel H
To: Gibson, Beth N
Sent: Mon Dec 27 17:38:29 2010
Subject: Re: Rep Bennie G Thompson re ICE resuming removal proceedings for Haitian Criminal Aliens

10-4. We can always asked them to scrub the manifests? I-216's? That does seem high.

From: Gibson, Beth N
To: Ragsdale, Daniel H
Sent: Mon Dec 27 14:29:00 2010
Subject: Re: Rep Bennie G Thompson re ICE resuming removal proceedings for Haitian Criminal Aliens

[Redacted] My approach is not to do first drafts. ERO provided me figures today - 110 Haitian removals since the earthquake. One of the 110 was a removal to France. But, the number seems high where all the material says no removals since the earthquake. Maybe all VR? Stew on it. I may need your help to think it through after a full briefing from ERO and OPLA on Thursday.
Beth Gibson
Assistant Deputy Director, ICE
202-732- [Redacted] (w)
202-590- [Redacted] (c)

From: Ragsdale, Daniel H
To: Gibson, Beth N
Sent: Mon Dec 27 17:23:53 2010
Subject: Re: Rep Bennie G Thompson re ICE resuming removal proceedings for Haitian Criminal Aliens

So much for a slow week. I suspect [Redacted]?
See below.

Beth Gibson
Assistant Deputy Director, ICE
202-732  *(w)*
202-590  *(c)*

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From: Gibson, Beth N
To: Ragsdale, Daniel H
Sent: Mon Dec 27 14:20:57 2010
Subject: Fw: Rep Bennie G Thompson re ICE resuming removal proceedings for Haitian Criminal Aliens

I am surprised ERO could not provide any information. I have provided all of their senior leaders with information. Perhaps task higher in ERO? I am happy to work with OCR too.

Beth Gibson
Assistant Deputy Director, ICE
202-732  *(w)*
202-590  *(c)*

---

From:  *(phone)*
To: Gibson, Beth N
Cc:  *(phone)*
Sent: Mon Dec 27 16:29:13 2010
Subject: Re: Rep Bennie G Thompson re ICE resuming removal proceedings for Haitian Criminal Aliens

Beth,

Please see the attached, incoming letter from Rep Bennie Thomson who voices his concerns about ICE's current removals to Haiti. Rep. Thomson suggests that the current conditions in Haiti may be grounds to reevaluate removals. The response was originally tasked to ERO and Policy, but they were not able to provide any information. I had ExecSec retask to OCR so they can coordinate with you, and explore the possibility of a briefing if warranted.

Thanks,

Office of the Director
U.S. Immigration and Customs Enforcement
(202) 732  *(w)*
Office