



## **700 ERITREANS FACE IMMINENT DEPORTATION, AND LIKELY TORTURE OR EXECUTION**

On September 13, 2017, the U.S. Department of Homeland Security (DHS) took extraordinary measures to deport some 700 denied Eritrean asylum seekers and certain other Eritreans to Eritrea. There they would likely face torture, long term abusive imprisonment, or execution by the regime.

DHS's order appears at [www.dhs.gov/news/2017/09/13/dhs-announces-implementation-visa-sanctions-four-countries](http://www.dhs.gov/news/2017/09/13/dhs-announces-implementation-visa-sanctions-four-countries)

The America Team for Displaced Eritreans believes that the U.S. government should not forcibly remove Eritreans to Eritrea until it is determined to be safe for them to live there.

### **Understanding the Issue**

#### **Eritrea: The Police State**

Eritrea is a small country in the Horn of Africa. It is a police state, and it is widely referred to as "the North Korea of Africa." Its government's brutality toward its citizens has been documented and denounced by the U.S. State Department, the United Nations, and many major human rights organizations. Citizens live in constant fear of surveillance, arbitrary arrest, torture, malnutrition, detention within a gulag of underground prisons, and indefinite military service under slave-like conditions. Asylum seekers who are returned from other countries are at particular peril.

#### **Why Deportation Now?**

Many of the 700 here are under final removal orders issued by American immigration courts. To our knowledge, few are under those orders for having committed crimes here. Rather, many or most had applied in good faith for asylum in the U.S., but they had simply lost their asylum claims. Often they lost their cases because they lacked legal counsel, their English language skills were limited, the immigration judges did not understand the dire state of human rights in Eritrea, or all of those reasons.

In recent years, few Eritreans – even those who had lost their asylum claims – have been deported from the U.S. The reason appears to have been that the Eritrean government had generally refused to cooperate with the deportations – specifically, had refused to issue travel documents for the individuals who were under final removal orders. In the September 13 directive, DHS sought to remedy that situation by causing the State Department to issue a broad ban on in-bound visas from Eritrea to the U.S., as a means of pressuring the Eritrean regime to issue the travel documents for out-bound deportees.

## **Why Eritrea?**

At least twelve countries have refused to issue travel papers for and to accept U.S. deportees. But DHS chose to place visa restrictions on only four of them, including Eritrea, and it chose to press for Eritrean deportations, apparently without considering the horrors that would likely befall those sent back to Eritrea. We do not object to the ban on in-bound visas. But we fervently object to Eritreans being deported to an excruciating fate.

## **Are the Planned Deportations Legal?**

The America Team believes that the deportations to Eritrea would violate the Convention Against Torture ("CAT"), an international treaty that has been signed by the U.S. and thus has the force of American law. The CAT provides that no country may remove someone to another country if there are "substantial grounds for believing that he [or she] would be in danger of being subjected to torture." In the case of Eritrea, there are more than "substantial grounds" – there is a high probability. The America Team thus believes that in the case of Eritrea (perhaps almost uniquely among the countries of the world), the CAT's ban on deportation should be regarded as absolute, regardless of whether or how an immigration judge may have considered or ruled upon the issue of torture in an individual's hearing.

For both that legal reason and related humanitarian reasons, almost no other country is willing to deport Eritreans to Eritrea. The sole or principal exception is Sudan – an outlaw state, whose president is under an international arrest warrant issued by the International Criminal Court for having committed crimes against humanity. For the U.S. to now deport Eritreans to Eritrea would make the U.S. and Sudan possibly the only countries to do so.

## **Have Deportation Proceedings Begun?**

The America Team has received information from multiple sources that ICE has begun to re-detain Eritreans apparently for imminent deportation, and that the Eritrean regime has begun to issue travel documents for them.

## **How You Can Help**

### **Contact Congress**

To advocate against these deportations, concerned Americans, whether of Eritrean ancestry or otherwise, may communicate with their members of Congress – in both the Senate and the House of Representatives. Some suggested communication methods follow:

1. Individuals may wish to share this document with the members of Congress. They could consider sharing it both by email (so the members of Congress can access the Internet links) and in person (so they can understand the passion of the Eritrean community and others around the deportation issue).
2. In addition, in their own words, they may explain to the members of Congress how brutal the government of Eritrea is to its citizens in general and (likely) to returned deportees.

3. When meeting in person at a Congressional office, individuals should seek to speak with either the actual member of Congress or with a senior aide. At the local level, the senior-most aide is called the District Director.

Individuals can identify their members of Congress by entering their street addresses at <https://www.govtrack.us/congress/members> .

### **Contact Denied Asylum Seekers**

The America Team urges Eritrean Americans to contact the Eritreans they know whose asylum claims have been denied. They should urge them to immediately engage an immigration attorney to seek to reopen their cases and to stay any deportation. This would include any Eritreans who have been released from ICE detention under orders of supervision – because under the DHS order, ICE may shortly detain them again.

The attorneys in turn may wish to refer to the forensic materials that The America Team has developed and that appear at the top of the Resources-Reference Materials page on our web site, at <http://eritreanrefugees.org/reference-materials-2/>

### **Key Reference Items are Provided on the Next Page**

*The America Team for Displaced Eritreans is a non-profit organization located in Southeastern Pennsylvania. It is the principal American organization that assists specifically Eritrean refugees and asylum seekers in the U.S. and around the world.*

Rev: 11-1-17

## References

DHS's September 13, 2017 directive appears here: <https://www.dhs.gov/news/2017/09/13/dhs-announces-implementation-visa-sanctions-four-countries> .

A summary of the directive by The New York Times appears here: [https://www.nytimes.com/2017/09/13/us/politics/visa-sanctions-criminal-convicts.html?\\_r=0](https://www.nytimes.com/2017/09/13/us/politics/visa-sanctions-criminal-convicts.html?_r=0) .

An earlier warning by The Washington Post as to the consequences of potential Eritrean deportations appears here:

[https://www.washingtonpost.com/news/worldviews/wp/2017/08/24/the-us-wants-to-deport-more-eritreans-heres-what-would-happen-to-them-if-they-were-forced-to-return/?utm\\_term=.11f2fc374e40](https://www.washingtonpost.com/news/worldviews/wp/2017/08/24/the-us-wants-to-deport-more-eritreans-heres-what-would-happen-to-them-if-they-were-forced-to-return/?utm_term=.11f2fc374e40) .

The following sources have reported that Eritreans who are deported to Eritrea – after having been denied asylum in another country, or under some other circumstances – are likely to be severely punished by the Eritrean government:

1. Immigration and Refugee Board of Canada:

<https://www.justice.gov/sites/default/files/eoir/legacy/2014/10/01/ERI104941.E%20.pdf>

2. Amnesty International: <http://www.amnestyusa.org/sites/default/files/afr640012013.pdf> , at pp. 30-31, 27

3. Amnesty International: <https://www.amnestyusa.org/sites/default/files/eritrea-deserters-report.pdf> , at pp. 9, 54, 57

4. UN Human Rights Council's Commission of Inquiry on Eritrea: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/114/50/PDF/G1511450.pdf?OpenElement> , at pp. 7, 21.

5. UK Upper Tribunal: <http://reliefweb.int/report/united-kingdom-great-britain-and-northern-ireland/eritreans-face-real-danger-return> and [http://www.refworld.org/publisher,GBR\\_UTIAC,,ERI,57fc91fc4,0.html](http://www.refworld.org/publisher,GBR_UTIAC,,ERI,57fc91fc4,0.html)

6. Meron Estefanos, quoted in EU Observer: <https://euobserver.com/migration/137489>

7. Gerry Simpson, writing for Human Rights Watch:

<https://www.hrw.org/news/2016/05/30/sudan-hundreds-deported-likely-abuse>

8. Abraham Zere, writing for Carnegie Council:

[https://www.carnegiecouncil.org/publications/articles\\_papers\\_reports/987](https://www.carnegiecouncil.org/publications/articles_papers_reports/987)